United Nations A/69/337

General Assembly

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21 August 2014

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Sixty-ninth session
Item 71 of the provisional agenda*
Report of the International Court of Justice

Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice

Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to paragraph 16 of the Revised Terms of Reference, Guidelines and Rules of the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice (A/59/372, annex), and is subsequent to the report submitted to the General Assembly at its sixty-eighth session (A/68/349) under the agenda item entitled "Report of the International Court of Justice".

II. Mandate

2. The Trust Fund was established in 1989 under the Financial Regulations and Rules of the United Nations, following consultations with the President of the International Court of Justice. In accordance with the Revised Terms of Reference, financial assistance is to be provided to States for expenses incurred in connection with: (a) a dispute submitted to the Court by way of a special agreement, on the basis of Article 36, paragraph 1, of its Statute; (b) a dispute submitted to the Court by way of an application on the basis of Article 36, paragraphs 1 and 2, of its Statute, provided certain conditions are fulfilled (see A/59/372, annex, para. 6 (ii)); or (c) the execution of a judgment of the Court.

* A/69/150.

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III. Beneficiaries

3. Subject to the requirements of paragraph 6 of the Revised Terms of Reference, an application for financial assistance from the Fund may be submitted by any State Member of the United Nations, any other State party to the Statute of the International Court of Justice or any State not party to the Statute of the Court having complied with Article 35, paragraph 2, of the Statute.

4. During the period under review (1 July 2013 to 30 June 2014), the Fund received applications from Burkina Faso and the Niger relating to a dispute between the two States concerning a section of their common boundary. Both States request financial assistance to implement the judgment of the International Court of Justice of 16 April 2013 by carrying out the demarcation of the pertinent section of their common boundary on the basis of the Court's delimitation. A panel of experts, set up in accordance with paragraph 9 of the Terms of Reference of the Fund, was tasked with examining the applications and advising me on the parameters of the financial assistance, if any. It should be noted that the recommendation of the panel and my decision on the award of financial assistance will be made in accordance with established practice, bearing in mind the limited resources of the Fund and the necessity to accommodate any potential future applications.

IV. Contributions

5. Voluntary contributions to the Fund may be made by States, intergovernmental organizations, national institutions and non-governmental organizations, and by natural and juridical persons.

6. During the period under review, Switzerland made the following voluntary contribution to the Fund:

State	*Amount (United States dollars)*	*Financial year*
Switzerland	22 290.16	2014
Total	**22 290.16**	

7. As of 30 June 2014, the balance of the Fund was $3,152,869.

V. Needs assessment

8. The Charter of the United Nations, in Article 1, paragraph 1, recognizes the settlement of international disputes "by peaceful means, and in conformity with the principles of justice and international law" as one of the basic purposes of the United Nations and as an essential tool for the maintenance of international peace and security. The Court is the principal judicial organ of the Organization. As noted above, the Fund was created with a view to facilitating a decision by parties to a dispute to seek judicial settlement of their dispute through the Court. While I am grateful to the Member State that contributed to the Fund during the period under review, I also note that the number of contributions remains very low. Thus, I

strongly urge all States and other relevant entities to give serious consideration to making contributions to the Fund, substantially and on a regular basis.

VI. How to contribute

9. Voluntary contributions to the Fund can be made by bank transfer or by cheque. Cheques should be to the order of the United Nations General Trust Fund, indicating "ICJ Trust Fund (TJA)" in the reference field, and sent to:

United Nations Headquarters
United Nations Treasury
New York, N.Y. 10017
United States of America
Attention: Room No. S-2011

For bank transfer details, please contact the United Nations Treasury (tel.: 1 212 963 5971; fax: 1 917 367 0668).

10. For any additional information, please contact the Office of the Legal Counsel, Office of Legal Affairs (tel.: 1 212 963 3999; fax: 1 212 963 6430).

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Sixty-ninth session
Agenda item 70
Report of the International Court of Justice

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Report of the Secretary-General

Corrigendum

Paragraph 6

For the existing text *substitute*

6. During the period under review, Finland and Switzerland made the following voluntary contributions to the Fund:

State	*Amount (United States dollars)*	*Financial year*
Finland	13 463.26	2013
Switzerland	22 290.16	2014
Total	**35 753.42**	

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United Nations A/69/338

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Sixty-ninth session
Item 68 of the provisional agenda*
Right of peoples to self-determination

Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly, in accordance with Commission on Human Rights resolution 2005/2, the report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of people to self-determination.

* A/69/150.

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Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

Summary

The Working Group has chosen to dedicate the present report to the subject of the use by the United Nations of private security companies in light of the vast and complex challenges which outsourcing security to private military and security companies* poses to the United Nations and to local populations. The report is the outcome of a yearlong study, which aimed at examining how the United Nations contracts private military and security companies and for what services. It reviews the efforts undertaken by the United Nations to mitigate risks relating to the recruitment of private security providers, in particular the recently adopted policy and guidelines on the use of on private armed guards. The report considers the limitations of these policy tools and makes suggestions on ways and means to ensure an efficient selection and vetting process when employing private security companies. It also examines ways that will ensure that private military and security companies are held accountable for possible human rights violations in the event that these occur.

* While the United Nations contracts companies solely for security services, these same companies are also known to provide military services in other circumstances.

I. Introduction

1. The present report is submitted in accordance with Human Rights Council resolution 24/13 and General Assembly resolution 68/152. Pursuant to its mandate, the Working Group on the use of mercenaries as a means of violating human rights and the exercise of the right of peoples to self-determination has continued to monitor mercenaries and mercenary-related activities in all their forms and manifestations, as well as to study the effects on the enjoyment of human rights of the activities of private companies offering military assistance, consultancy and security services on the international market. The Working Group has chosen to dedicate the report to the subject of the use by the United Nations of private security companies in light of the vast and complex challenges which outsourcing security to private military and security companies poses to the United Nations and to local populations.

2. Since the 1990s, the United Nations has used private security companies, mostly unarmed local contractors, to secure its premises and protect its staff and/or assets against criminal activities. In recent years, it has also contracted armed private security companies in complex emergency situations and post-conflict or conflict areas where the host Government was not in a position to provide for the security of United Nations personnel and assets.

3. The vast and complex challenges that outsourcing security to private military and security companies poses to the Organization and to local populations led the Working Group to undertake the present analysis. The objective of the report is to examine how the United Nations contracts such companies and what services are provided by them. The report also reviews the efforts undertaken by the Organization to mitigate risks relating to the recruitment of private security providers, in particular the recently adopted policy and guidelines on the use of private armed guards. In addition, it considers the limitations of these policy tools and makes suggestions on ways and means to ensure an efficient selection and vetting process when employing private security companies. Finally, the report examines ways that will ensure that such companies are held accountable for possible human rights violations in the event that these occur.

4. The Working Group carried out a yearlong research on the use of private military and security companies by the United Nations. It held consultations with United Nations officials, including officials of the Department of Safety and Security,[1] industry representatives, academics and civil society experts. It also held two public events on the issue.

5. The first public event was organized by the Working Group during its nineteenth session in New York on 31 July 2013 and comprised two panels of experts. The first panel addressed the issue of the use of private military and security companies by the United Nations as armed guards while the second panel addressed their use in peace operations. During its twenty-first session, on 5 March 2014, the Working Group also organized another public event in Geneva. This event

[1] The overall mandate of the Department of Safety and Security is to provide leadership, operational support and oversight of the security management system to enable the safest and most efficient conduct of the programmes and activities of the United Nations system. The Working Group held meetings with officials of the Department during its annual sessions in New York in 2012 and 2014.

focused on the challenges faced by the Organization when outsourcing various security tasks to private contractors as well as the risks posed to United Nations operations, its staff and to local populations. Both events were attended by representatives of Member States, non-governmental organizations and industry and by United Nations staff. The Working Group expresses its gratitude to the experts who contributed to these events. It also wishes to thank the Department of Safety and Security for its cooperation during the drafting of this report and for the opportunity to discuss the findings of the study with officials of the Department during its twenty-second session in New York, as well as for the feedback provided to the Working Group.

6. The Working Group intended to conduct a field visit to the United Nations Assistance Mission in Afghanistan (UNAMA) in May 2014 to assess the use of armed private security companies by a United Nations operation. It was not able to undertake the visit, however, owing to the prevailing volatile security situation. It wishes to thank the Mission for providing responses in writing to the questionnaire that was sent in lieu of the visit.

7. In light of the wide scope of the topic under consideration, the Working Group has chosen to focus this report on the practices of the Secretariat, including the operations of the Department of Peacekeeping Operations and the Department of Political Affairs, when recruiting private military and security companies. The report discusses both armed and unarmed PMSCs and the respective services that they provide, which include the guarding of premises and the protection of convoys.

II. United Nations use of private military and security companies

A. Why and when does the United Nations resort to the use of private military and security companies?

8. The proliferation of conflicts, the fact that local populations have become more vulnerable to human rights violations and the effects of a rising number of humanitarian crises have led to an increase in requests from Member States for the United Nations to carry out programmes in high-risk environments. This has also led the Organization, through its United Nations System Chief Executives Board for Coordination (CEB), to adopt a new strategic vision in 2009 and to institute a policy shift in security management from a "when-to-leave" to a "how-to-stay" approach. The aim of this new policy was to support the delivery of United Nations mandated programmes and activities, even in highly challenging security situations.[2] As a consequence of operating in areas where high security threats prevail, the Organization has suffered attacks against its personnel and premises which have caused many deaths, notably in Afghanistan, Algeria, Iraq, Nigeria, Timor-Leste and Somalia.

[2] A/67/624, para. 7. The Advisory Committee on Administrative and Budgetary Questions is a subsidiary body of the General Assembly. In budget years, the Committee submits to the Assembly a detailed report on the proposed programme budget for the biennium. In addition, it submits reports on the accounts of the United Nations and all United Nations entities for which the Secretary-General has administrative responsibility.

9. Currently, United Nations personnel serve in an increasingly dangerous environment and encounter a variety of threats not previously encountered in the history of the Organization. Despite diverse security threats against the United Nations, the demands for the Organization to operate in challenging security environments continue to grow.[3] As a consequence of the strategic shift from "when to leave" to "how to stay" and of the diminishing capabilities of Member States to provide for the security of United Nations personnel and assets, the United Nations reliance on the use of private security companies has increased in recent years with a view to mitigating the high risks to its personnel. The United Nations has the obligation, nevertheless, to explore other options to ensure the safety and security of its personnel, premises and assets before resorting to the use of armed private security companies. These other options include seeking security management support of the host Government or alternate Member States, or United Nations capacity that may be available internally.[4]

10. In addition to direct contracting, private military and security companies may become a part of United Nations operations through the contributions of Member States, which can also increase the reliance of the Organization on private security companies. In such instances however, cases of misconduct by private security contractors that may be detrimental to the human rights of local populations and harmful to the credibility of the Organization would fall under the responsibility of the Member States who contracted the companies.

11. In May 2014, the Working Group received information indicating that there are some 30 unarmed and armed companies used in peacekeeping missions and special political missions.[5] Overall, the United Nations uses armed private security companies in three countries and uses unarmed private security companies in 12 countries where there are peacekeeping missions and 11 countries where there are special political missions. The total estimated budget for 2013/2014 for the use of private security companies is approximately $42,125,297 including $14,015,520 for armed services as follows: MINUSTAH ($5,125,200) and UNAMA ($8,890,320).[6]

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[3] A/68/489, para. 4.

[4] Response provided by the Department of Safety and Security to a written questionnaire, May 2014.

[5] There are 17 operations/missions led by the Department of Peacekeeping Operations and 12 missions headed by the Department of Political Affairs. There are 12 peacekeeping operations contracting United Nations unarmed private security companies (United Nations Mission in the Sudan (UNMISS), United Nations Interim Security Force for Abyei (UNISFA), United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), United Nations Interim Force in Lebanon (UNIFIL), United Nations Operation in Côte d'Ivoire (UNOCI), United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), United Nations Interim Force in Lebanon (UNIFIL), United Nations Mission for the Referendum in Western Sahara (MINURSO), United Nations Interim Administration Mission in Kosovo (UNMIK), United Nations Stabilization Mission in Haiti (MINUSTAH), United Nations Military Observer Group in India and Pakistan (UNMOGIP) and United Nations Assistance Mission in Afghanistan (UNAMA) and one facility of the Department of Field Support that contracts an armed private security company United Nations Support Office for the African Union Mission in Somalia (UNSOA). Two peacekeeping missions contract armed private security companies (MINUSTAH and UNAMA)). For peacekeeping missions, of the total of 4,412 security guards contacted by the 13 entities above, 574 are armed. Three hundred of those are in UNAMA.

[6] Information provided by the Department of Safety and Security on 16 July 2014.

B. The need for increased transparency regarding information on United Nations use of private military and security companies

12. Until recently, accessing official information on the use of private military and security companies by the United Nations has been a challenging task. The Organization did not normally make information relating to security management public as it is seen as sensitive.

13. However, since the end of 2012, the United Nations has published a number of documents on its use of private military and security companies. In October 2012, the Secretary-General, for the first time, presented a report to the General Assembly on the use of private security (A/67/539), following a request from the Assembly for a review of the appropriateness of the use of private security personnel, particularly in situations in which they were the only option available to provide safety and security for staff. The report did not, however, provide any information on the number or names of companies used by the United Nations, nor did it address the question of unarmed services provided by such companies. A subsequent report of the Advisory Committee on Administrative and Budgetary Questions[7] gave further information on the services provided by such companies. Annexes I and II of that report indicated that a total of $30,931,122 had been approved by the General Assembly for 2012/2013 for private military and security companies in special political missions and peacekeeping operations. The report also indicated that 42 such companies were under contract with those special missions and operations as at 31 October 2012, employing over 5,000 armed private guards. It also showed that contracts for armed guards were estimated at $40,914,000 in 2013-2014, with a large portion linked to new contracts for the United Nations Assistance Mission in Somalia (UNSOM).[8]

14. Subsequent to the reports of the Secretary-General and the Advisory Committee, the General Assembly adopted resolution 67/254 A, in which it stressed, in line with the views expressed by the Secretary-General in his report, that armed private security services "should be used as a last resort to enable United Nations activities in high-risk environments only when a United Nations security risk assessment concludes that other alternatives, including protection by the host country, support from the Member States concerned or internal United Nations system resources are inadequate". The Assembly also stressed the importance of ensuring that all measures are undertaken to avoid legal and reputational risks for the Organization in using armed security services of private security companies and called on the Secretary-General to ensure that the selected companies operate in accordance with the national legislation of the host country and the Charter of the United Nations and fully abide by the relevant principles and rules of international human rights law, international humanitarian law and international criminal law. In addition, the Assembly requested the Secretary-General to "provide clarification on the operational criteria for when the use of armed security services from private security companies could be appropriate for United Nations operations at Headquarters and field locations and to report thereon in the relevant reports to the General Assembly".

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[7] A/67/624.

[8] Ibid., annexes I and II.

15. Conscious of the need for the Organization to have a policy on private military and security companies, the Secretariat has adopted a United Nations system-wide policy on armed private security in 2012 and has recently made efforts to increase transparency in providing further information on the use of private security contractors. The increased awareness of States with respect to the risks and challenges linked to the outsourcing of security services is timely and the Working Group welcomes this development.

C. Is hiring private military and security companies necessary, and is it the only practicable solution to ensure the security of United Nations staff and operations?

16. The Working Group has held discussions with a number of United Nations officials dealing with security matters. The question as to whether other options to outsourcing security to private security contractors might be considered has been met with the response that the Organization lacks the internal capacity to provide for the safety and security of its staff deployed in highly volatile environments.

17. Among the reasons identified in support of the outsourcing of security were: the conflicting views, instructions, funding and permissions from Member States, who consistently oppose the growth of staff numbers; the lack of appropriately trained in-house security staff; the administrative challenges to the redeployment of United Nations security staff from their present duty stations and their replacement with trained staff; the lack of "unity of command" in the Organization; and the high staff cost of United Nations employees.

18. According to security officials, the services of private security companies are readily available and there is no commitment to keeping them on board once they have served their purpose. They also pointed out that expenses relating to the recruitment of private contractors are significantly lower than the salary, training and common staff costs for United Nations employees.

D. What are the risks and challenges posed by outsourcing security to private contractors?

19. The Working Group also held discussions with a number of representatives of the United Nations Staff Union who explained the concerns of staff with regard to the increasing use of private security contractors by the Organization. These concerns were voiced during the two panel events organized by the Working Group, in which some of the representatives participated.

20. According to a Staff Union representative, a growing number of staff believe that the United Nations is no longer a shield but a target. Since 2003, 567 civilian staff were attacked and over 200 killed. The Working Group supports the view that the Organization has the duty to provide for the safety and security of those working in areas where security threats are high, and it notes that some staff have expressed a lack of confidence in their security being outsourced to private security contractors.

21. Based on the testimonies collected, the Working Group notes that because local security guards, in many instances, are not well paid, poorly equipped and

work very long shifts, their capacity to adequately respond to threats in highly volatile security environments is compromised. It is concerned by the current lack of screening by the United Nations of private security contractors and individual security guards working at United Nations field operations. In addition, the Working Group believes that the Organization needs to be mindful of cultural diversity and local political perceptions when hiring private security guards in order to ensure that it is always perceived as an independent and impartial entity.

22. Presently, the Guidelines on the Use of Armed Security Services from Private Security Companies, issued by the Department of Safety and Security in November 2012, require that private security contractors providing armed services must certify in writing that they have verified with the relevant national authorities that any potential personnel: (a) have not been convicted of any national criminal offences, including by a military tribunal, or found by a national or international authority to have breached international criminal or humanitarian law in any jurisdiction, and (b) are not subject to any ongoing judicial proceedings, including military, in respect of such offences or violations. However, the screening is not conducted by United Nations officials and the Working Group firmly believes that it is not sufficient to rely on information provided by security providers to ensure that the concerned companies and employees comply with United Nations standards and human rights norms.

23. In this regard, the Working Group is concerned that in some situations, local security guards may be former militia men who may have been involved in human rights violations. While acknowledging that this is difficult to ascertain, the Working Group realizes that the lack of adequate screening by the United Nations may lead to situations where a humanitarian convoy could be escorted by local security guards in a particular location where they may have committed atrocities in the past. The Working Group is also concerned that private security guards may be affiliated with a particular local tribe or group, which may hamper the perception of independence and impartiality of the United Nations in the eyes of local populations. This is particularly so when contracted private military and security companies outsource a number of activities to other companies through subcontracting schemes, making oversight and regulation even more complex and difficult to manage.

24. In an environment where companies frequently change names and places of registration, and where individual contractors dismissed for misconduct by one company may be employed by another, it is essential to have a well-functioning screening and vetting system in place to ensure that those who are recruited have a record that is in compliance with the values of the Organization that they are protecting, and with human rights norms in particular.

25. The reputational challenge of the United Nations is further compounded by reports of companies that it has employed in spite of their allegedly dubious human rights records, as reported in certain cases in Bosnia and Herzegovina, the Democratic Republic of the Congo and Uganda.[9]

26. In the light of the various concerns outlined above, the Working Group is supportive of an approach whereby the Organization would prioritize deploying

[9] Lou Pingeot, "Dangerous Partnership, Private Military and Security Companies and the United Nations", Global Policy Forum, July 2012, p. 28 and 29.

United Nations security officers to the field as they are perceived as independent and impartial by local populations.

III. Steps taken by the United Nations to mitigate these challenges: the policy and guidelines on private armed guards

27. In November 2012, the Department of Safety and Security issued a policy on the use of armed security companies and accompanying guidelines. The policy was the result of a process within the Inter-Agency Security Management Network, which brings together representatives of United Nations agencies, funds and programmes to coordinate security practices and policies across the United Nations system. This policy represents a significant step forward in the Organization's efforts to develop a comprehensive, system-wide policy for security contracting. Many positive elements introduced by this policy will improve transparency and human-rights compliance by private military and security companies under contract with the United Nations.

28. The Guidelines on the Use of Armed Security Services from Private Security Companies aim to clarify the chain of accountability for decisions to use armed private security. Under the Guidelines, the recommendation to use armed private security personnel must be made by the designated official and the security management team. Moreover, to ensure clarity in the line of accountability and responsibility of all actors in the United Nations security management system, United Nations policy and the Guidelines make specific reference to its policy on the framework of accountability.[10] The Guidelines state that the senior-most United Nations security professionals advising the designated official must first conduct a security risk assessment. These officials can include the Chief Security Adviser, the Security Adviser, the Chief of Security and Safety Services or their respective officer-in-charge ad interim. The final decision must ultimately be approved by the Under-Secretary-General for Safety and Security. Some representatives of the United Nations Staff Union have expressed concern that having numerous officials involved in this decision-making process undermines individual accountability for the final recommendation.

29. A positive element of the Guidelines is the increased transparency and visibility of the use of these companies system-wide. When the designated official and security management team agree that the use of armed private security companies is warranted, the request is sent to the Under-Secretary-General for Safety and Security for consideration. Guideline 20 requires that the Executive

[10] A/67/526, para. 12. The first framework of accountability for the United Nations security management system was created in 2002. It was one of the first formalized internal accountability frameworks in the Organization, applicable across the United Nations system. Following the approval by CEB of a revised framework of accountability in 2009 that more clearly delineated the roles and responsibilities of actors in the United Nations security management system, at all levels, the framework was presented to the General Assembly in 2010. The Assembly took note of the report of the Secretary-General in its resolution 65/259, including the revised framework of accountability. The revised framework was subsequently promulgated throughout the United Nations security management system in 2011 (see A/65/320 and Corr. 1, annex I).

Heads of the affected agencies, funds and programmes or the head of the Department for Secretariat-led field operations must be copied on the request. When the Under-Secretary-General approves a request, he must notify all agencies, funds, programmes and organizations of the United Nations system of his decision within 48 hours. The Guidelines also require that the request for armed private security services must detail an assessment of the potential negative impacts of engaging armed security services from a private security company, an important and necessary consideration.

30. Through consultations with several stakeholders on the new Guidelines, the Working Group has identified a number of gaps. These gaps focus on the following main points: the relatively narrow scope of the policy as covering only armed private security companies hired directly by United Nations entities as opposed to unarmed services; shortcomings in the "last resort" criteria for using private military and security companies; the lack of internal screening and vetting procedures; the fragmented decision-making process; and the lack of human rights due diligence and accountability mechanisms.

A. Limited scope

31. While the Guidelines relate exclusively to armed security contractors, private military and security companies providing unarmed services can also pose risks and it is paramount that the regulation of such services be effectively addressed by the Organization. For example, United Nations personnel have expressed concern that even unarmed private security providers can provide inside information that can be used to attack United Nations personnel or facilities. There is currently no United Nations security management system policy on the use of unarmed private security companies apart from the administrative and procurement policies of each separate United Nations entity. The United Nations nevertheless applies a system-wide policy in the framework of accountability in an effort to address the oversight of security services or performance provided by unarmed private security companies.[11]

32. Private military and security companies are integrated into United Nations operations in several ways. They are hired directly by United Nations entities, and these contracts should be covered by the Guidelines promulgated by the Department of Safety and Security. However, such companies are also used at United Nations operations by implementing partners through programmes carried out by Member States.

33. Companies acting as implementing partner or hired by implementing partners would not be subject to the standards and procedures set out in the Guidelines promulgated by the Department of Safety and Security. For example, companies providing de-mining services for the United Nations Mine Action Service and for other United Nations projects must operate in high-risk environments. Companies may be contracted to transport food and supplies through dangerous areas. Should these companies hire private security to protect their personnel, these private security companies would be working side by side in the field with United Nations contracted companies, but would not be subject to the Guidelines. To local

[11] Response provided by the Department of Safety and Security to a written questionnaire, May 2014.

populations, they would likely be indistinguishable from United Nations implementing partners, and therefore their actions, if perceived negatively in the field, may pose a potential risk to the local populations and to the reputation of the Organization in those locations. There is a potential that harm could be caused to the reputation of the United Nations through its association with such companies.

34. Through programmes such as the Global Peace Operations Initiative of the United States Government, Member States may hire private military and security companies to carry out training and capacity-building of local peacekeepers to serve at United Nations peacekeeping missions.[12] The United States of America fully outsourced its responsibilities to demobilize and reconstitute the armed forces of Liberia under the umbrella of UNMIL to DynCorp and PAE, private military and security companies. As DynCorp was contracted by the United States of America, and not UNMIL, it would not have been subject to the Guidelines, despite its significant influence and operations with the United Nations mission.

35. Most importantly, while the Guidelines cover only armed private security companies, there may be a need for the United Nations to consider establishing a comprehensive policy for the United Nations use of unarmed private security.

B. "Last resort" criteria

36. United Nations officials who support the use of armed private security companies have stated repeatedly that such contracts were to be made only as a last resort. The report of the Secretary-General on the use of private security issued in October 2012 (A/67/539), a month before the Guidelines were published, reflects the methodology prescribed in the Guidelines. In that report, the Secretary-General explained that, in May 2011, he decided, on the basis of consultations within the United Nations system: that the Organization should resort to the use of armed private security companies and their personnel only as the last option to enable United Nations activities in high-risk environments; that the United Nations should exercise that option only when a United Nations security risk assessment had concluded that other alternatives, including protection by the host country, other support from Member States or internal United Nations system resources, were insufficient; and that the use by the United Nations of an armed private security company should be consistent with national and international law, the Charter and relevant United Nations resolutions, including General Assembly resolution 55/232 on outsourcing practices; and relevant United Nations administrative policies and guidelines.

37. The subsequent resolution of the General Assembly, resolution 67/254 A, also makes reference to the "last resort" criterion. In that resolution, the Committee called the use of armed private security services an exceptional measure, and stressed that such services should be used as a last resort.

38. These officials and documents refer to the criteria of last resort as though it were a gold standard for risk assessments and security decision-making. However, the Guidelines issued by the Department of Safety and Security lack clarity as to

[12] Åse Gilje Østensen (2013), "In the Business of Peace: The Political Influence of Private Military and Security Companies on UN Peacekeeping", International Peacekeeping, vol. 20, No. 1, pp. 33-47.

how it is to be established that other options have been exhausted. The Guidelines establish that the designated officer and the security management team must "identify strong reasons" as to why the delivery of armed protection by the host country, other Member States or the United Nations system is "not preferable or feasible". As one expert has pointed out, this standard is insufficiently clear to ensure that such assessments do not merely provide a cover to justify the use of contractors.

39. The determination of last resort may also be influenced by political considerations as well as by the security risk assessment. The willingness of Member States to provide sufficient security resources is often influenced by their belief that the necessary resources will be provided by the private sector, and that the necessary United Nations activities will take place even without their participation. Although Member States may financially be able to provide security, they may be unwilling or resistant to the concept that their funds will go to cover the expenses of perimeter guards rather than to programme expenses that have tangible benefits to the State and its population. Furthermore, States that have not fully accepted or agreed to United Nations engagement on their territory may also be able to provide the necessary security, but may not be willing to do so. Other States may likewise be less willing to provide security in this situation, as unwanted or unpopular United Nations intervention may increase the vulnerability of United Nations staff and facilities, including guards provided by Member States. Thus, although private military and security companies may be the most politically expedient option in these circumstances, this is not the same as the option of last resort.

C. Lack of internal screening and vetting procedures and accountability mechanisms

40. The Guidelines promulgated by the Department of Safety and Security do not establish internal comprehensive procedures for the selection and vetting of private military and security companies, nor do they provide for monitoring and oversight procedures, a human rights due-diligence component or accountability mechanisms in the event that human rights violations are committed by the employees of such companies. Instead, the Guidelines outsource many of these elements to the governing body of the International Code of Conduct for Private Security Providers (ICoC),[13] the ICoC Association. The Working Group believes that the Association can complement, but not replace a United Nations-managed process for human rights due-diligence monitoring and oversight. However, it is also conscious of the challenges that a United Nations-led screening process would entail. Consequently, the Working Group is of the view that, at the very least, the Organization should only contract those companies that have a solid vetting system in place and are able to exclude personnel who have committed human rights violations.

[13] The International Code of Conduct for Private Security Providers is a multi-stakeholder initiative convened by the Government of Switzerland. It aims to set private security industry principles and standards based on international human rights and humanitarian law, as well as to improve accountability of the industry by establishing an external independent oversight mechanism.

41. Section F of the Guidelines outlines the mandatory requirements for the pre-eligibility and selection of private military and security companies, including the requirement that concerned companies must be signatories to the International Code of Conduct. However, although the Guidelines were promulgated in December 2012, it would appear that contractors are not yet being asked to submit proof that they are signatories to the Code along with their tenders for United Nations contracts. Private military and security companies are requested to confirm in writing that a screening process has been conducted and that only the personnel who meet the requirements outlined in section F of the Guidelines are to be engaged to provide armed security services. While these are positive developments, they clearly do not suffice to ensure adequate screening and vetting of these companies and their employees.

42. It is the view of the Working Group that the Guidelines do not address the issue of accountability in the event of human rights violations committed by private military and security companies. As the United Nations is paying particular attention to the issue of due diligence, it is important that this principle is applied in its work with all stakeholders. This is in line with the human rights due diligence policy, which was endorsed by the Secretary-General in July 2011. This policy constitutes a landmark measure to ensure that the United Nations lives up to its own normative standards by guaranteeing that its support to national and regional security forces is consistent with the Organization's purposes and principles as set out in the Charter, as well as its obligations under international law to respect, promote and encourage respect for international humanitarian, human rights and refugee law.

43. Like all private companies, private military and security companies have a responsibility to operate with respect for human rights, as stipulated in the United Nations Guiding Principles on Business and Human Rights. This may include implementing vetting and training procedures for employees, establishing grievance procedures in case of violations and conducting regular monitoring to ensure adequate oversight, immediate cessation of violations and accountability.

44. In the event that violations occur, victims must be provided with adequate remedies, such as reparation and rehabilitation. States have the obligation to ensure that cases of violation are referred to the concerned authorities for investigation, prosecution and reparation.

45. Finally, the Guidelines issued by the Department of Safety and Security do not provide for sanctions against private military and security companies in the event of non-compliance with human rights standards, such as criminal investigations, civil suits and/or debarments, or by publishing this information, where possible. For complex organizations, such as the United Nations, it is also important that information about improper performance or misconduct be shared among the various agencies that contract for security services in order to prevent such companies from being rehired elsewhere.[14]

[14] Elke Krahmann, "How to strengthen the 'United Nations Guidelines' on the use of armed guards and their application: examples of best practices", March 2014.

D. Fragmented decision-making process

46. While the Under-Secretary-General of the Department of Safety and Security makes the final decision on the use of armed private security companies following the recommendation from the field through the designated official for security based on security risk assessment, the selection of the armed private security companies takes place at the operational level.

47. According to information provided by the Department of Safety and Security, each United Nations operation and entity, in consultation with the Department and relevant actors at United Nations Headquarters, has the authority to select a private security company.

48. In the absence of a host country Government, or where the existing host country Government is unable to provide the assessed level of security, alternate provision from Member States or by United Nations-recruited security officials must be explored and discussed by the designated official, the security management team and the United Nations security experts. In cases where the designated official and the security management team identify strong reasons, which are to be recorded in the security risk assessment, whereby the delivery of armed security by the host country, an alternate Member State or by United Nations recruited security officials is not available or inadequate, the option to use a private security company may be evaluated according to the criteria articulated in the policy and the Guidelines.

49. The Working Group believes that by delegating the authority to select private military and security companies, both armed and unarmed, to United Nations entities at the operational level, and by placing the responsibility on such companies to prove that they have demonstrated due diligence in checking that their employees are not involved in human rights abuses, the Organization has limited oversight of the selection process.

50. The report of the Independent Panel on the Safety and Security of United Nations Personnel in Iraq, issued on 20 October 2003, following the bombing of the Canal Hotel in Baghdad on 19 August 2003, in which 22 United Nations staff were killed, identified the lack of accountability for the decisions and positions taken by United Nations managers with regard to the security of United Nations staff as a major deficiency. The panel indicated that the United Nations needed a new culture of accountability in security management and that personal accountability of those entrusted with the safety of personnel as well as all staff in the field for their compliance with security rules should be paramount. The Working Group notes however that subsequently, the United Nations has adopted the system-wide policies, including the framework of accountability, which outlines the responsibilities of relevant actors in providing for the protection of the United Nations.

51. In light of the above statement, the Working Group is of the view that the Organization needs to continue to take all the necessary steps to ensure that the decision-making process to select and recruit private military and security companies is consistent, transparent and closely monitored by the head of the Department of Safety and Security.

IV. Case study of the United Nations Assistance Mission in Afghanistan and observations of the Working Group during its visit to Somalia

52. The United Nations Assistance Mission in Afghanistan (UNAMA) uses IDG Security (Afghanistan) Limited, which provides armed and unarmed guards. IDG Afghanistan supplies armed Gurkha guards for internal duties in the UNAMA compound. The United Nations agencies, funds and programmes have their own contracts for internal unarmed guards in their respective areas of the UNAMA compound. For example, the United Nations Children's Fund has a single contract for these services with Triple Canopy, and the Office of the United Nations High Commissioner for Refugees has a contract with Hart Security.[15]

53. According to information provided to the Working Group by UNAMA, screening and vetting of private security companies, both local and international, is undertaken during the technical evaluation process, which is part of the UNAMA procurement process. The security team evaluates the companies' proposals against prior established criteria, including their company's profile; experience in providing security services; ability to develop and implement standard operating procedures; emergency plans/training programmes, performance monitoring mechanisms; record-keeping; skills, qualification and vetting of personnel; firearms management; insurance coverage of personnel; certifications and references of quality performance; and licences. If required, procurement may ask the companies for additional information, including documentation or on-site inspection.

54. According to UNAMA it is a requirement in the contract that private security companies verify with relevant government bodies, to the Mission's satisfaction, that personnel have been properly screened, including in respect of allegations or convictions regarding breaches of military, international criminal or humanitarian law.

55. The international companies mentioned are locally registered in Afghanistan. The Ministry of Interior authorizes specific private security companies to provide armed services in Afghanistan. The list is maintained and reviewed by the Ministry. While procuring armed services, UNAMA only uses companies on the Ministry's list, and only those in the list may participate in the bidding exercise.

56. At UNAMA, compliance with United Nations policy and the Guidelines on the use of Armed Security Services from Private Security Companies is included as a requirement in the respective contracts. Private security companies must also guarantee under the contracts that they are aware of and in compliance with international and local laws, as well as the International Code of Conduct for Private Security Service Providers (2010). The responsible officer from UNAMA liaises with the project manager of the private security companies on a regular basis to review performance and to monitor the requirements of the contract as per the Guidelines and to document non-compliance, if any. The companies apply a "use-of-force" policy as a condition of the contract. These must be consistent with the standards of the United Nations use-of-force policy and standard operating procedures.

[15] Replies to a questionnaire sent by the Working Group to UNAMA, May 2014.

57. The UNAMA Chief Security Officer or adviser is responsible for certifying with the Procurement Section that the private security companies are providing satisfactory service, based on regular assessments and inspections. UNAMA has a contractual right to demand the withdrawal of specific personnel. UNAMA retains the right to inspect the services provided, or to update the standards and policies that the companies are required to apply. The United Nations common premise guard force manager (UNAMA international staff) oversees the effectiveness and compliance of armed and unarmed guards with the terms of reference and United Nations standard operating procedures (country-wide or compound-specific) on a daily basis. UNAMA has indicated that any deviation from these requirements is to be reported and addressed.

58. The Working Group asked what action UNAMA would take if private security companies were found to be in breach of these United Nations standards and human rights norms. Representatives of the Mission responded that it has a general right to terminate contracts on 30 days' notice. This right could also be exercised in the case of breaches of United Nations standards or human rights norms. The contract includes provisions against child labour and sexual exploitation and abuse as essential terms, a breach of which would allow the United Nations to terminate the contract immediately. UNAMA also retains the right under the contract to deal with other failures to perform under the terms and conditions of the contract, such as non-compliance with standard operating procedures, training programmes or performance monitoring measures. The sanction may include reduction in payments based on an accumulation of demerit points. Consistent non-compliance may lead to termination of a contract.

59. UNAMA has indicated that, to date, private military and security companies providing services to it have never been in breach of their contracts. While acknowledging the efforts undertaken to improve the selection and evaluation process of such companies, in accordance with the information provided above, the Working Group believes that the measures in place are not sufficient to guarantee that the personnel of these companies are adequately vetted and held accountable in the event of human rights violations. Moreover, since the selection and oversight of armed and unarmed private security contractors is delegated at the operational level, recruitment and evaluation practices may be deferred from one field operation to another and the United Nations Guidelines may be implemented inconsistently across United Nations missions.

60. The Working Group visited Somalia in December 2012. Some of its observations with respect to the United Nations Political Office for Somalia (UNPOS) are relevant to this study and triggered the decision of the Working Group to undertake the present analysis.[16] During its visit, the Working Group observed that armed protection to international organizations and non-governmental organizations in Mogadishu was largely provided by local private military and security companies. For example, the United Nations Development Programme (UNDP) contracted a local company that provided a wide range of security services, including armed security escorts and protection services, threat and risk assessments, communications, logistics and dispatch services. The company had been engaged by UNDP as a technical adviser and provided pick-up trucks with armed personnel in order to facilitate the movement of UNDP personnel between

[16] See A/HRC/24/45/Add.2.

Mogadishu International Airport, the United Nations common compound, Villa Somalia, and other areas in Mogadishu.

61. During its visit, the Working Group was informed that several local security providers in Somalia were clan-based militias that operate behind a corporate facade in order to conceal the involvement of individual warlords. Although the Working Group was unable to verify this information, it noted that this pattern, including, implicitly, the risk of being perceived as showing partiality when entering into agreements for the provision of private security, has been seen in other countries and is an issue that international organizations and non-governmental organizations should be cognizant of.

62. In Somalia, the Working Group also found that Bancroft Global Development, which is registered as a charity in the United States of America, worked with the African Union mission in Somalia (AMISOM) and the Somali national forces under the auspices of AMISOM, but was contracted by the United Nations Mine Action Service. Bancroft's employees were recruited as "mentors" for the Somali forces on improvised explosive devices under a contract with the Government of Uganda, which, in turn, was reimbursed by the Government of the United States. According to information provided by Bancroft, their services to AMISOM included training canines to detect explosives, port security, education about mine risks and training on how to safely remove improvised explosive devices. Bancroft reported that, as mentors, its personnel accompany AMISOM troops to the field, but that they were unarmed and did not take part in active combat operations.

63. Bancroft's training and mentoring activities meant that it operated in or in close proximity to conflict zones, and there have been reports of its employees' involvement in active combat operations. The Working Group did not find substantiated evidence of such allegations. Nonetheless, the question arises as to what procedures Bancroft, and the entities with which it works, had in place to ensure that Bancroft personnel did not become part of combat operations.

64. In this regard, the Working Group was of the view that attention should be paid by both Bancroft and those who engage its services to develop rules to prevent such situations and to institute procedures to ensure that they are complied with. The Working Group was informed by the United Nations Mine Action Service that, to avoid this problem, their agreement with Bancroft required that when conducting explosive ordnance disposal and operations to eliminate improvised explosive devices, Bancroft employees must remain a minimum of 500 metres behind any front line. This type of rule might serve as an appropriate safeguard in other contracts as well.[17]

65. Given the sensitivity of Bancroft's operations, the Working Group believes that it is critical that it ensure that its employees are properly vetted and trained. Bancroft told the Working Group that their recruitment process includes a rigorous vetting process, but the Working Group has not been able to verify that claim.

66. The Working Group noted that at least one employee of Bancroft pleaded and was found guilty in a South African court of, inter alia, recruiting persons for mercenary activities in Côte d'Ivoire[18] and providing logistical support for the

[17] Ibid., para. 48.

[18] See High Court of South Africa (Transvaal Provincial Division), case No. A2850/03 of 2 and 20 May 2005 (ZAGPHC 248).

venture. Although this is only one individual, the nature of his activities naturally raises questions with regard to the adequacy of Bancroft's vetting process.

67. Bancroft's code of conduct requires its employees to comply with international human rights and humanitarian law, as well as national laws. The Working Group has no information, however, on what training, if any, is provided to Bancroft employees operating in Somalia on these matters.

68. In sum, Bancroft's proximity to combat and the military nature of the training and mentoring that it provides requires that both Bancroft and those who engage its services exercise the utmost care in ensuring that these matters are clarified and memorialized. The Working Group believes that transparency would of course be enhanced if these types of arrangements were made public.

69. In the conclusions to its report, the Working Group welcomed the efforts of the United Nations to ensure that private security providers have a clean human rights record and encouraged all elements of the United Nations to take a proactive approach to this issue. The Working Group also recommended that the United Nations consider applying the principles contained in the human rights due diligence policy when hiring private security contractors.[19]

V. The way forward

70. The Working Group is of the view that the establishment of United Nations policies and guidelines on the use of armed private security companies, the framework of accountability and other relevant policies are a significant step forward, as they bring more coherence and transparency to the contracting of private military and security companies within the United Nations system. The guidelines are also an important indication that the United Nations now acknowledges that the use of armed guards is a reality and is prepared to take responsibility for such practices.

71. As a tool to regulate the use of armed services, the policy and the Guidelines promulgated by the Department of Safety and Security cannot address all the challenges posed by the use of such companies. They are, however, a starting point for a more comprehensive process that should also address unarmed services provided by these companies, as these services require equal attention and regulation.

72. The Guidelines issued by the Department of Safety and Security increase transparency system-wide by requiring all United Nations agencies, funds and programmes to be notified when any United Nations entity hires armed security services. However, in order to promote transparency, it is important that procurement entities, in particular, make their reporting practices more transparent. Disclosing more information and reporting in more precise ways (while not compromising the security of staff in the field) will help foster more transparency in the practices of the United Nations in contracting for security services.

73. When selecting providers, it is crucial that the United Nations itself not only seek to verify that the company has all the formal arrangements and licenses in order but that it also perform an independent and thorough assessment before contracts are signed instead of relying on the information supplied by the company. The assessment needs to be conducted by a third party to avoid possible conflicts of

[19] A/HRC/24/45/Add.2, para. 76.

interest. Such a screening could serve to prevent the United Nations from hiring companies with a poor or mediocre record of performance, companies that have been accused of human rights violations in the past, companies with ties to parties to the conflict or companies that are otherwise unfit to serve the United Nations. Company screenings could potentially be performed by the Procurement Division of the Secretariat, which could be tasked with maintaining a database on private military and security companies. The Working Group nevertheless acknowledges the challenges that screening entails in light of the limited capacity of the United Nations to perform this task. It is of the view that, at the very least, the Organization should only contract companies with a solid screening system in place.

74. Better contracting and increased oversight would also be enhanced if the United Nations produced an evaluation of performance after the completion of the contract. Such reports could be kept on file with the procurement entity. They could include the assessments of contracting officers, in particular assessments related to such indicators as communications with the company and its personnel, how the company handled risk, how well it responded to and adapted to the local environment and to what degree its personnel acted in accordance with the overall security paradigm of the Organization and in compliance with human rights.

75. Systematically collecting information on the performance of private military and security companies, keeping records and using that information to identify best practices and lessons learned, is likely to contribute to avoiding contracting underperforming companies in future.

76. It should be noted that private military and security companies sometimes perform key tasks within United Nations operations not because they have been hired directly by the Organization directly but as a result of the outsourcing practices of Member States. In point of fact, such companies sometimes provide services within United Nations operations with little knowledge of, or oversight by, the Organization. To address this issue, the United Nations could demand, as part of its approach, not only that different United Nations entities report on their use of private military and security companies, but that Member States also report when they are responsible for hiring such companies.

77. It is also of utmost importance that the United Nations takes the necessary measures to ensure that private security companies and their employees are held accountable for human rights violations, and that access to remedies is guaranteed to victims of such violations. In this regard, the Department of Safety and Security needs to establish a grievance mechanism to receive complaints, including third-party complaints, about private military and security companies under United Nations contracts, to investigate allegations of wrong-doing and to provide accountability for contractors and effective remedies to victims.

78. In order to continue improving its own internal monitoring and oversight mechanisms, the United Nations needs to have a mechanism and standard procedures to exclude underperforming companies, as well as those with poor human rights records, from the procurement lists of all United Nations agencies, programmes and funds. This will require independent investigation, proactive system-wide information sharing about suspect companies and, at the very least, a mechanism whereby those aware of violations by United Nations-contracted private security companies can report complaints to the United Nations for further action. In addition, the Procurement Division needs to make more information publicly

available about the private military and security companies under contract with the United Nations and the specific contracts they carry out. Understandably, some details of security contracts must be kept confidential for security reasons. However, a time period could be established, after the completion of the contract, when security concerns will have lapsed, when details which have previously been omitted can be safely released to the public.

VI. Conclusions and recommendations

79. **While the existing United Nations Guidelines on the Use of Armed Security Services from Private Security Companies can be improved, they cannot address all the challenges which outsourcing security to private contractors poses. The provision of security functions should remain the primary responsibility of Member States, including in providing security to the United Nations and its staff members. In this regard, the United Nations needs to do more to identify and develop security solutions that draw on host countries, Member States or United Nations security staff. It is the view of the Working Group that the United Nations must recognize the risk posed to human rights by the lack of comprehensive regulation of private military and security companies at United Nations operations and should take steps to improve regulation and oversight to prevent human rights violations from occurring.**

80. **Moreover, the United Nations Guidelines pertain exclusively to armed security contractors while many examples, such as the allegations of the abuse of prisoners in detention facilities or sex-trafficking by private security contractors in the context of peacekeeping operations, reveal that unarmed security contractors can also be a threat to human rights, public security and the reputation of their client. In addition, it should be noted that armed or unarmed private security might use, or provide to others, information for harming United Nations personnel or facilities and can, in some instances, present a threat to the Organization and its staff. In this light, the Working Group is of the view that guidelines need to be established to regulate the unarmed services provided by private military and security companies.**

81. **The decision-making process for the use of private security companies, including the criteria for determining that their use is truly a "last resort", should be clarified in the United Nations Guidelines.**

82. **The United Nations Guidelines envisage increased selection, contracting and monitoring requirements to be carried out by security management teams, including daily and monthly inspections. In order to ensure that this is done in an effective manner, security officers in the field should receive adequate training and clear guidelines on issues of contract management and contractor oversight. Personnel should have relevant security service and management expertise to carry out contractor selection, contract design, contractor performance reviews and contractor management. In order to operate effectively they need direct authority over contractors. In addition, contract management guidelines should establish clear rules governing the relationships with contractors in order to minimize the risk of collusion or corruption.**

83. To ensure the effective implementation of the rules outlined in the United Nations Guidelines, it is imperative that the Organization develop appropriate penalties for non-compliance such as:

(a) Fee reductions;

(b) Permanent or temporary debarment of companies from further contracts;

(c) Public naming of contractors by keeping a centralized register of companies linked to as poor performance, criminal investigations, civil suits and/or debarments, and by publishing this information where possible.

84. For complex organizations such as the United Nations, it is also important that information about poor performance or misconduct be shared among the various agencies that contract for security services in order to prevent such companies from being rehired elsewhere.

85. Insufficient transparency and accountability are key reasons for negative public reactions towards private military and security companies. The United Nations Guidelines contain very little to address these issues. The following measures could be taken:

(a) Establishment and publication of clear lines of accountability and responsibility regarding the selection and management of security contractors;

(b) Full publication of United Nations security management operations manuals;

(c) Collection and publication of information regarding the use of armed and unarmed security contractors, including annual or quarterly figures of security guards/contractor personnel for each mission;

(d) Introduction of "security" as a separate budget line by all United Nations organizations;

(e) Publication of all security contract awards and amounts.

86. The United Nations Guidelines could use the purchasing power of the Organization to increase national and international standards by making professional standards a key criterion for the selection of contractors and by including clear guidelines for professional behaviour in United Nations contracts.

87. The current United Nations Guidelines identify general training requirements, but the individual company decides exactly what the training should involve. The Guidelines could include clear and specific minimum training requirements in security service contracts, including duration and content of training, proficiency standards and certified training institutions.[2]

88. The Department of Safety and Security of the Secretariat should maintain oversight of the selection and evaluation of private military and security companies, both armed and unarmed, at field operations.

89. The Working Group encourages all stakeholder groups, academic experts, non-governmental organizations, United Nations human rights and security officials and representatives of the private security industry, to continue to

offer their input and expertise, and to engage with the Department of Safety and Security and United Nations agencies in dialogue on this issue, and requests that the decision-making process be continually revisited at the highest levels within the Organization.

90. **The Working Group also encourages Member States to seek information from United Nations entities as to when and where private military and security companies are used to support United Nations missions and to secure facilities, convoys and staff as this information may influence policymaking and security decision-making processes.**

91. **The Working Group reiterates its call for an international binding instrument to regulate private military and security companies.**

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Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Assistance to refugees, returnees and displaced persons in Africa

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 68/150 on assistance to refugees, returnees and displaced persons in Africa. It updates the information contained in the report of the Secretary-General submitted to the Assembly at its sixty-eighth session (A/68/341) and covers the period from 1 January 2013 to 30 June 2014. The report has been coordinated by the Office of the United Nations High Commissioner for Refugees and includes information provided by the Office for the Coordination of Humanitarian Affairs, the International Labour Organization, the Joint United Nations Programme on HIV/AIDS, the Office of the High Commissioner for Human Rights, the United Nations Entity for Gender Equality and the Empowerment of Women, the World Food Programme, the World Health Organization, the United Nations Development Programme, the United Nations Population Fund, the United Nations Children's Fund and the Special Rapporteur on the Human Rights of Internally Displaced Persons. It also includes information drawn from publicly available reports issued by the Internal Displacement Monitoring Centre.

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I. Introduction

1. Reflecting a fourth consecutive year of increasing refugee numbers, by the end of 2013 Africa[1] was home to more than 2.9 million refugees, approximately one quarter of the world's total. While an estimated 168,500 refugees were able to return home in safety and dignity in 2013, the rate of new displacement outstripped the pace at which sustainable solutions were found. In total, Africa was host to nearly 13 million refugees, stateless persons and internally displaced persons, a number expected to reach 15 million by the end of 2014.[2]

2. During the reporting period, both new and escalating emergencies, triggered by extreme violence and human rights abuses, occurred in the Central African Republic, eastern Democratic Republic of the Congo, northern Nigeria and South Sudan. The United Nations Emergency Relief Coordinator declared system-wide level 3 emergencies[3] in the Central African Republic and South Sudan, as both countries experienced massive internal displacement, and neighbouring countries — particularly Cameroon, Ethiopia and Uganda — received large refugee influxes. Meanwhile, protracted displacement continued into the second and third decades for some Somalis, Rwandans, Burundians, Liberians, Eritreans and Congolese in exile.

3. Consistent with the continent's long tradition of hospitality and solidarity, refugees continued to find safety and receive protection. Among the top 10 refugee-hosting countries worldwide, 3 — Kenya, Chad and Ethiopia — are on the continent. UNHCR reports that there are some 2.9 million refugees in sub-Saharan Africa, most of whom come from Somalia (778,400), the Sudan (605,400), the Democratic Republic of the Congo (470,300), the Central African Republic (251,900) and Eritrea (198,700). At the same time, there were numerous instances of asylum seekers and refugees being forcibly returned to their countries of origin, where their lives were in grave danger. Impediments to the delivery of humanitarian assistance and services to the displaced were unfortunately noted, including ongoing insecurity, bureaucratic and administrative blockages, as well as environmental constraints.

4. Despite strong support from donors, crucial gaps remain in the funding of refugee operations, particularly for more protracted situations, which suffer from chronic underfunding, which affects all United Nations agencies' operations. As an example, UNHCR operations in Africa draw approximately 40 per cent of the organization's annual global resources, but in the present funding environment, almost all resources are commanded by emergency response situations and continuing care programmes, with very little remaining to dedicate to solutions. In 2013 alone, UNHCR issued three supplementary funding appeals for the Democratic Republic of the Congo, the Central African Republic and Chad emergencies to the

[1] For the purposes of the present report, "Africa" refers to sub-Saharan Africa.

[2] Unless specified otherwise, statistics on refugees, asylum seekers and returnees refer to figures made available by the Office of the United Nations High Commissioner for Refugees (UNHCR) at the end of 2013. Statistics on internally displaced persons are provided by the Internal Displacement Monitoring Centre, in its report entitled "Global overview 2014: people internally displaced by conflict and violence", as well as by the Office for the Coordination of Humanitarian Affairs. All statistics are provisional.

[3] The Inter-Agency Standing Committee has defined a level 3 emergency as a major, sudden-onset humanitarian crisis, triggered by natural disaster or conflict, which requires system-wide mobilization.

total amount of $271.7 million. The UNHCR 2014 comprehensive needs assessment budget for Africa was nearly $1.9 billion, as a result of the Central African Republic and South Sudan emergencies.

5. According to the Financial Tracking Service of the Office for the Coordination of Humanitarian Affairs, more than $4.1 billion was contributed in response to 13 inter-agency humanitarian appeals for Africa during 2013. This represents an increase of $600 million from the previous year. Between 1 January 2013 and 30 June 2014, $405.9 million was allocated from the Central Emergency Response Fund to support life-saving humanitarian activities in African countries. About 62 per cent of that amount, or $251 million, went to 19 countries with a significant number of refugees or internally displaced persons. Some $192 million from the fund helped to enable a rapid response to new or rapidly deteriorating crises, and $60 million supported humanitarian programmes in poorly funded emergencies. About 27 per cent of funding to displacement crises was allocated to food assistance and 16 per cent for multisector refugee assistance. Operations in the Sudan received the most ($48 million) and humanitarian programmes in South Sudan ($42 million), the Central African Republic ($27 million) and Chad ($23 million) also received substantial amounts.

II. Subregional overviews

A. East Africa

6. East Africa, including the Horn of Africa, remained the subregion with the largest refugee population on the continent, although the absolute number of refugees and asylum seekers declined modestly, from nearly 2 million at the end of 2012 to 1.7 million at the end of 2013. While events in South Sudan overshadowed the situation of refugees throughout the subregion, the largest refugee camp in the world (Dadaab, Kenya) now holds some 400,000 refugees. The Horn of Africa hosts the largest number of registered unaccompanied or separated children seeking asylum, with nearly 4,600 registered with UNHCR, two thirds of them originating from South Sudan. Regionally, East Africa is home to the largest percentage of refugee children, at 60 per cent of the total refugee population. Uganda, with 60 to 70 percent in some areas, hosts one of the highest percentages of refugee children. More positively, returns also occurred in the Horn of Africa, with over 36,000 returnees to Somalia reported in 2013.

South Sudan

7. The situation of Sudanese seeking asylum in South Sudan began to stabilize. The slowing pace of new arrivals allowed the refugee response to begin transitioning out of the emergency phase. In Upper Nile State, the new Kaya camp housed some 18,000 refugees who previously lived in flood-prone Jamam. In Unity State, a new camp, Ajuong Thok, was established to accommodate refugees relocated from Yida camp, while the presence of armed elements and growing tension with host communities raised protection concerns for the majority of the refugees who remained.

8. The security situation deteriorated sharply as violence broke out in Juba on 15 December 2013. Within weeks, thousands of people had been killed or wounded,

and hundreds of thousands were displaced. Despite efforts towards bringing the conflict to an end, Government and opposition forces continued to clash. Over one million people were internally displaced, in addition to more than 370,000 refugees who fled to Ethiopia, Kenya, the Sudan and Uganda.[4] The crisis also affected some 200,000 Sudanese refugees in South Sudan, whose location in remote sites, in conjunction with continued insecurity, severely hampered the delivery of humanitarian assistance. When possible, deliveries were made by air, significantly increasing costs.

Sudan

9. Sudan received nearly 85,000 South Sudanese refugees in the first half of 2014. The provision of protection and assistance was impeded by lack of access owing to administrative and environmental constraints. In South Kordofan and Blue Nile States, an estimated 800,000 people in dire need have been inaccessible since 2011.

10. Deteriorating security in South Kordofan, Blue Nile and the Darfur regions of the Sudan in the first half of 2014 is estimated to have displaced close to 440,000 people. In Darfur, a region already suffering from protracted displacement since 2003, insecurity displaced an additional 400,000 in 2013 and 322,000 in 2014. This brings the total number of displaced people in the Darfur region to some 2 million. The return of internally displaced persons in North and Central Darfur has done little to offset these increases in displacement.

11. In Abyei, of the 105,000 people displaced in May 2011, 44,000 remain displaced (20,000 in the Abyei region and 24,000 in South Sudan). The fighting in South Sudan displaced almost 3,000 people to Abyei.

Somalia

12. Finding durable solutions for the estimated 1.1 million internally displaced persons and 1 million Somali refugees in the region continues to be a challenge. Although conditions in many parts of Somalia are not yet conducive for large-scale returns, on 10 November 2013, the Governments of Somalia and Kenya and UNHCR signed a tripartite agreement, establishing a legal framework for the safe and dignified voluntary repatriation of Somali refugees from Kenya. By the end of 2013, nearly 3,000 refugees had expressed their intention to return, and a pilot return project was initiated, targeting areas where hostilities had ceased. To foster durable solutions, UNHCR launched the Global Initiative on Somali Refugees in November 2013, aimed at increasing collaboration among host States, Somalia, the Somali diaspora, donors and experts. Thus far, the initiative has generated innovative approaches that support self-reliance.

Ethiopia

13. Hosting the eighth-largest refugee population in the world, Ethiopia continued to receive a large influx, reaching more than 535,000 by May 2014. The largest population was from Somalia, followed by South Sudan, Eritrea and the Sudan. Owing to fighting and food scarcity, some 173,000 South Sudanese, over 60 per cent of whom were women and children, arrived in the Gambella region of Ethiopia in

[4] As at 28 May 2014.

the first six months of 2014. Humanitarian agencies worked to urgently provide temporary shelter, build new camps, combat severe malnutrition and ameliorate poor conditions of hygiene and sanitation.

14. Following a spike in arrivals in early 2013, the number of Eritrean refugees arriving in Tigray in northern Ethiopia remained high. They are being accommodated in the Hitsat camp, which has grown to 19,800 people. The large number of unaccompanied children — nearly 1,500 who have arrived since the beginning of the influx in 2008 — has raised protection challenges, and UNHCR established a multi-agency task force to ensure a joint, coordinated response.

Kenya

15. Kenya remained the largest host country on the continent, with more than 555,000 refugees and asylum seekers as at the end of May 2014, the majority from Somalia, as well as Ethiopia, the Democratic Republic of the Congo and South Sudan. In the first half of 2014, nearly 40,000 South Sudanese refugees arrived, a high proportion of whom were unaccompanied children. Overcrowding, insufficient water and sanitation, and high rates of malnutrition are of particular concern. A new camp outside Kakuma was established in the first quarter of 2014 to accommodate these new arrivals, while in Dadaab, refugees continued to arrive owing to the ongoing conflict in south and central Somalia. Although basic health care is provided to refugees, and disease early-warning systems were reinforced, the risk of meningitis outbreaks remained high among these communities.

16. In March 2014, the Government of Kenya directed all urban-based Somali refugees to relocate to the camps in Kakuma and Dadaab. Subsequently, it initiated a security operation directed at individuals without identity documents. More than 2,000 people were detained, among them refugees and asylum seekers. UNHCR and its partners worked to obtain access to persons of concern in detention and to negotiate their release. Meanwhile, the authorities relocated 850 refugees and asylum seekers from Nairobi to Dadaab and Kakuma camps, and more than 350 Somali nationals were deported to Mogadishu.

United Republic of Tanzania

17. Full implementation of the decision taken by the Government of the United Republic of Tanzania to naturalize more than 162,000 Burundian refugees remains pending. In June 2014, more than 2,000 descendants of the Wazigua ethnic group, known as Somali Bantus, received citizenship.

Uganda

18. After the conflict erupted in South Sudan in December 2013, Uganda received more than 100,000 South Sudanese refugees and five new refugee settlements were established. In these new settlements, as elsewhere in the country, refugees receive small allotments of land, in agreement with the host communities, helping to enhance their self-sufficiency. Uganda also noted a sharp increase in the number of refugees from the Democratic Republic of the Congo in 2013, with nearly 30,000 new arrivals, and relocated refugees to settlements in Kyangwali soon after their arrival.

B. Central Africa and the Great Lakes

19. The violence in the Central African Republic triggered subregional movements, as the country had long hosted hundreds of thousands of migrants from Cameroon, Chad and elsewhere. Many of these individuals fled the violence with the assistance of their countries of origin and international organizations. Receiving countries are in the process of identifying returning nationals, many of whom had left for several generations, and issuing them with civil documentation. UNHCR, the International Organization for Migration (IOM) and other organizations are assisting the receiving Governments with registration to determine the documentation needs. While few refugee returns were noted in the Democratic Republic of the Congo (3,507) and Rwanda (7,305), the region is characterized by continued instability and protracted caseloads such as in Chad and in the Democratic Republic of the Congo.

Chad

20. The escalating violence in the Central African Republic has forced nearly 100,000 people to seek refuge in Chad since December 2013, including some 14,000 refugees as well as Chadian migrant returnees and third-country nationals. Presently, over 61,000 migrant returnees and third-country nationals are living in transit sites and depend solely on humanitarian aid. Despite the closure of the border in May 2014, refugees continue to arrive in Chad, adding to the 67,000 Central African refugees who already sought asylum in 2003, some 340,000 Sudanese refugees, and the 1,500 Nigerian refugees who arrived in mid-2013. In support of populations in protracted displacement, humanitarian agencies have advocated for their inclusion in national development programmes and, in some cases, for their resettlement.

Central African Republic

21. Since December 2012, violence and instability have displaced nearly 900,000 people within the Central African Republic as well as across borders into Cameroon, Chad, the Republic of the Congo and the Democratic Republic of the Congo. The situation escalated in December 2013, with widespread violence and further displacement. By June 2014, fighting between the Seleka and anti-Balaka elements had resulted in the internal displacement of some 536,500 people, more than 20 per cent of whom were dispersed among 43 sites in Bangui. Adding to nearly 250,000 Central African refugees already in the region, 144,700 fled to neighbouring countries, many arriving in a state of severe malnutrition and psychological trauma. The majority, over 100,000, sought asylum in Cameroon. The poor health status of the refugees, many of whom had walked for weeks to reach safety, resulted in high mortality rates for children under 5 during the first weeks of the emergency. The intensity of the violence and speed of the outflow overwhelmed humanitarian capacities on the ground, particularly in Cameroon.

22. Inside the Central African Republic, widespread insecurity substantially impeded the delivery of protection, food and health care. Humanitarian agencies assisted in the relocation of thousands of internally displaced persons from sites in the capital to safer areas within the country in March and April 2014.

Republic of the Congo

23. The voluntary repatriation of refugees from the Congo to the Democratic Republic of the Congo began in May 2012, with some 109,000 repatriated by December 2013. As at June 2014, 43,533 refugees, from both the Central African Republic and the Democratic Republic of the Congo, remained in the country. The Government expelled an estimated 100,000 persons to the Democratic Republic of the Congo, although it maintained that refugees and asylum seekers had not been targeted by the expulsions.

Democratic Republic of the Congo

24. Multiple complex humanitarian operations were launched to respond to forced displacement both within the Democratic Republic of the Congo and across borders. More than 60,000 refugees fleeing the Central African Republic found safety in the Equateur and Orientale Provinces between December 2013 and the end of the reporting period, adding to 131,755 refugees already living in the country. Approximately 30 per cent of the arrivals opted to remain in the host communities, while others moved to new camps. Meanwhile, large numbers of people fled conflict and human rights abuses in the east of the country, seeking safety in Burundi, Rwanda and Uganda. An estimated 2.6 million internally displaced persons remain in the country, more than 65 per cent in North and South Kivu, and some 440,000 remained internally displaced owing to attacks by the Lord's Resistance Army. Sexual and gender-based violence continues to be widely perpetrated.

C. West Africa

25. The subregion was home to more than 366,000 refugees and asylum seekers, while the number of internally displaced persons was also on the rise. Security has deteriorated across the subregion, particularly in northern Mali and Nigeria, limiting humanitarian access and the delivery of protection and assistance. Nearly one third of the refugees in the subregion are living in protracted displacement.

Côte d'Ivoire

26. By mid-2013, some 82,000 refugees displaced by the 2010 post-election violence in Côte d'Ivoire had returned home from neighbouring countries. Some 21,000 internally displaced persons also returned in 2013, despite persistent challenges, including insecurity and a lack of housing, basic services and livelihood opportunities.

Mali

27. By mid-2013, violence by armed groups forced some 175,000 Malian refugees to flee to Burkina Faso, Mauritania and the Niger. The regional humanitarian response has focused on health and nutrition, food security, shelter, water and sanitation, and building resilience in the face of recurrent droughts. A return and reintegration strategy for Malian refugees has been developed, facilitating the signing of a tripartite agreement by Mali, Niger and UNHCR in May 2014. The Government has reported that some 28,000 people have already returned to northern Mali, although the situation is not yet conducive to large-scale return.

Nigeria

28. With a volatile security situation in the three northern states of Nigeria, a state of emergency was declared on 14 May 2013, followed by military deployments, curfews and limitations on humanitarian agencies' access. The situation led to the displacement of hundreds of thousands of people; some 50,000 people crossed into Niger, 24,000 into Cameroon and 1,500 into Chad. In total, approximately 60,000 refugees have been registered and are receiving basic assistance. An inter-agency assessment revealed that nearly 650,000 had been internally displaced within the states affected by the Boko Haram insurgency.

D. Southern Africa

29. The population of refugees and asylum seekers in southern Africa remained nearly constant in 2013, with 135,542 refugees and 278,633 asylum seekers at year-end. Owing to a positive push for the return and local integration of former Angolan refugees in Zambia and Namibia in 2012, and subsequent delays in the final verification of the former Angolan refugees in the provinces of Bas Congo and Katanga in the Democratic Republic of the Congo, there was a marked drop in the number of returned refugees, from nearly 20,000 at year-end 2012 to only 1,700 at year-end 2013. In South Africa, where most refugees live in urban areas, episodes of xenophobic violence continued, despite efforts to promote tolerance. For many other southern African countries with small refugee populations, the overall protection atmosphere remains largely unchanged.

Angola

30. According to Government figures, over 20,300 asylum seekers and 23,400 refugees reside in Angola. Nearly half of the refugees who arrived from the Democratic Republic of the Congo in the late 1970s are largely self-reliant. The Government of Angola and UNHCR are discussing the formal local integration of this group.

Mozambique

31. Mozambique provided a very positive environment for self-reliance of refugees, who enjoy a high degree of freedom of movement as well as access to employment. A total of 1,101 metric tons of agricultural items were produced by refugees residing in the Marratane camp, both for their own use and sale.

South Africa

32. South Africa was the recipient of the third-highest number of individually lodged asylum applications worldwide, with 70,000 applications in 2013. The majority of applications were filed by asylum seekers from Zimbabwe, Somalia and the Democratic Republic of the Congo. The total number of recognized refugees in the country stands at some 66,000, nearly half of the subregion's total.

III. Protection

A. National asylum systems

33. Asylum countries in Africa largely maintained open borders and continued to recognize refugee status for those in need of international protection during the reporting period. Yet, the increasing numbers of people and the deteriorating security strained the protection environment, and some countries began to more forcefully implement encampment policies as part of their response. While understanding the Governments' security imperatives, UNHCR and its partners continued to advocate against encampment as a general policy.

34. The Djibouti National Eligibility Committee resumed its work in 2013, to help strengthen the country's asylum system. The Government of Uganda, meanwhile, is developing an urban refugee policy that is expected to enhance protection for urban refugees and asylum seekers. Angola and Swaziland are currently drafting new refugee legislation.

B. Protection of individuals with specific needs

35. Participatory assessments using an age, gender and diversity approach remain critical in informing the development of UNHCR operational plans. Regional strategies and programmes are based upon a firm commitment to the age, gender and diversity policy of working in partnership with the persons of concern.

36. A regional framework for the protection of South Sudanese and Sudanese refugee children, comprising 65 per cent of refugees from these countries, was developed by UNHCR and non-governmental organizations (NGOs) and is guiding operational actors in a coordinated and prioritized response. In South Sudan, the child protection cluster worked to support some 42,000 children and adolescents, including through the establishment of 45 child-friendly spaces, the provision of psychosocial support and community education. In Somalia, the United Nations Children's Fund (UNICEF) assisted nearly 1,600 children formerly associated with armed forces or groups to be reintegrated into their communities. UNHCR also launched a three-year *Live, Learn, Play Safe* project to address the needs of unaccompanied and separated children, to be implemented in Ethiopia, Egypt, the Sudan and Yemen, representing an innovative effort to mitigate the risks associated with secondary movements. It provides support for the establishment of appropriate care arrangements, increased opportunities for education and livelihoods, greater access to family reunification and improvement of basic services.

37. Following negative legislative developments, and subsequent incidents of violence in several countries, UNHCR strengthened its mapping and monitoring of protection issues facing lesbian, gay, bisexual, transsexual and intersex persons in the region. At the country level, offices are reviewing needs and response capacities as well as gaps, with the goal of standardizing procedures to address the specific needs of those individuals.

38. Initiatives to enhance the protection of refugee women included the provision of safe physical spaces. The use of mobile services facilitated the provision of psychosocial assistance to survivors of sexual and gender-based violence. In the area of prevention, training and awareness-raising sessions were offered to camp

inhabitants, such as in the Kigeme camp in Rwanda, where more than 25,000 women and children and 10,000 men were reached through the efforts of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), which also provided sessions to Government officials and members of the military. In Mali, 2,839 members of the military were trained by UN-Women on women's and children's rights in conflict situations and provided with information on sexual and gender-based violence.

C. Registration and documentation

39. In the Sudan, the joint registration of refugees and asylum seekers in Khartoum was launched in April 2013, which enabled an assessment of urban refugee and asylum seeker populations and facilitated their access to documentation and refugee status determination. In Kenya, capacity-building is under way to support the Government in assuming responsibility for refugee status determination, and in Malawi, biometric registration was introduced in December 2013.

40. Universal and free birth registration remains a priority throughout Africa. Support has been provided to assist Governments in the establishment of birth registration systems, with an emphasis on the inclusion of refugee and internally displaced children. In the Central African Republic, extensive advocacy resulted in a draft presidential decree on free access to birth registration. Following the adoption of a Presidential Decree in Angola in September 2013, birth registration is now free for all nationals, though unfortunately this does not include refugees and asylum seekers. In Burundi, 35,000 returnees from the United Republic of Tanzania were given access to birth registration services.

D. Mixed migration

41. Given the complex challenges of trafficking and related abuses reported in the subregion, the Government of the Sudan, UNHCR and IOM developed a strategy on smuggling and trafficking in the Horn of Africa and East Africa. Efforts by the Sudanese authorities, with the support of the agencies, have resulted in improved security in refugee camps in eastern Sudan, increased prosecution of perpetrators and enhanced assistance for victims. Since 2013, a sharp drop in reported incidents has been recorded, even while there has been a rise in cases in Khartoum.

42. Governments in the southern African region continued to implement restrictive border control measures to deter mixed migration, as part of their security portfolio. In South Africa, the refugee reception offices in Port Elizabeth and Cape Town remained closed throughout the period, significantly altering the refugee protection architecture in the country. In October 2013, a United Nations-facilitated seminar on the protection of refugees and migrants was held, with a specific focus on potential solutions through labour migration. Front-line Government officers were trained on mixed migration in Botswana, Malawi and South Africa and Zambia.

43. In August 2013, South Africa enacted the Combating and Prevention of Trafficking in Persons Bill. In May 2014, the Parliament of Zimbabwe passed the Trafficking in Persons Bill, which incorporates the Palermo Protocols into domestic law. The Bill is tabled for the President's signature at the time of reporting.

E. Statelessness

44. During the reporting period, Côte d'Ivoire acceded to both the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. Efforts continued to reduce the large number of people at risk of statelessness in Côte d'Ivoire. According to Government estimates, this included some 400,000 descendants of migrants who had settled in the country without establishing their nationality and 300,000 children who had not previously been recognized under Ivorian law at birth.

45. United Nations agencies continued working with both South Sudan and the Sudan to mitigate the risk of statelessness through the issuance of identity documents confirming nationality. Profiling and registration exercises were undertaken to ascertain the status of Chadian migrants who fled from the Central African Republic and are at risk of statelessness, as many may no longer have identity documents.

46. During its fifty-third ordinary session in April 2013, the African Commission on Human and Peoples' Rights adopted resolution 234 on the right to nationality. At its fifty-fifth ordinary session in May 2014, it adopted resolution 277 on the drafting of a protocol to the African Charter on Human and Peoples' Rights on the right to nationality in Africa. UNHCR remains active in advocating with the Commission for the adoption of this protocol. An action plan being developed by UNHCR in Addis Ababa and the Commission will look at the issue of statelessness on the African continent.

F. Internal displacement

47. Despite progress towards durable solutions for some, the number of internally displaced persons in Africa was the highest yet recorded. Over 33 million people were displaced by conflict and violence worldwide at the end of 2013. The conflict in the Central African Republic, and protracted conflicts in the Democratic Republic of the Congo, Nigeria and the Sudan, contributed significantly to the total; four of the five countries worldwide with the highest new displacement in 2013 were in sub-Saharan Africa.

48. Five additional sub-Saharan African States (Angola, Côte d'Ivoire, Malawi, Rwanda and Zimbabwe) ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) in 2013, joining the 17 States that had already ratified it. The Special Rapporteur on the Human Rights of Internally Displaced Persons engaged closely with regional organizations on the promotion, ratification and implementation of the Kampala Convention at the national level. Throughout 2013, a series of training courses and workshops were convened in collaboration with protection partners, including the Governments of 14 African countries in a workshop held in Kampala.

49. The 2013 High Commissioner's Dialogue on Protection Challenges focused on the distinct challenges surrounding protection and solutions for internally displaced persons, showcasing the Kampala Convention as a regional legal regime. UNHCR provided support to the African Union to organize regional legal workshops on the Kampala Convention as well.

IV. Humanitarian response

A. Delivery of assistance

Food and nutrition

50. In 2013, the World Food Programme (WFP) provided food to 2.4 million refugees in 23 countries in Africa. The number of recipients significantly increased owing to the emergencies in the Central African Republic and South Sudan. Owing to funding shortfalls, cuts of more than 50 per cent in food distribution affected nearly half a million people in three countries in particular — the Central African Republic, Chad and South Sudan. Refugees in Liberia and Burkina Faso were affected by cuts between 25 and 49 per cent, while refugees in Mozambique and Ghana received cuts between 10 and 24 per cent in food distribution during the reporting period. Even prior to the recent cuts, nutritional surveys in several African refugee camps between 2011 and 2013 revealed that acute malnutrition, stunting and anaemia were at critical levels.

51. This crisis led to a joint UNHCR-WFP initiative that highlighted the issue of food security for refugees in Africa and stressed that there will be severe funding deficits of $183 million for WFP and $39 million for UNHCR by the end of 2014. The campaign, initiated in mid-2014, highlighted not only the cuts in food rations, but the coping strategies that refugees resort to in order to survive, including school dropouts, early marriage and survival sex.

52. As for the effects of the funding shortfalls, WFP and UNHCR warn of an increase in tensions between refugee communities and surrounding communities. For example, the funding shortfall for food provision for the 17,500 refugees in the Dzaleka refugee camp and in the Karonga transit shelter in Malawi resulted in a noted increase in tensions with the surrounding population, which will need to be addressed.

53. Emergency responses throughout the region stress the importance of both the immediate provision of food and the need for a consistent delivery pipeline. Increasing efforts are also being made to transition from food distribution to cash and voucher transfers. In Niger, for example, 9,100 refugees benefitted from such programmes, while support for the refugee hosting communities contributed towards decreasing the malnutrition rates to below 10 per cent in all the sites except one. Similarly, in Burkina Faso, a combination of food rations and cash transfers is being provided to nearly 27,000 refugees. The critically high prevalence (24.5 per cent) of malnutrition in the Goudebou camp in the country led to the implementation of food distribution to all families from November 2013, reducing malnutrition by more than half.

54. For internally displaced persons, in places such as the Central African Republic, the Democratic Republic of the Congo and South Sudan, food and nutrition assistance is being scaled up. Seasonal support has ranged from the provision of high energy biscuits in emergency situations to general food distribution in locations where they have found temporary shelter. For example, UNICEF and its partners are intensifying interventions to address the underlying causes of malnutrition as an integral part of their humanitarian responses.

Public health and HIV/AIDS

55. Host countries, the United Nations and humanitarian partners have mobilized to reduce morbidity and mortality levels in countries neighbouring the Central African Republic and South Sudan. These crises in particular have been characterized by measles and meningitis outbreaks involving refugees and the host population (Uganda), severe injuries, mental health concerns, malnutrition and lack of immunization. The situation has been compounded by limited access to basic care and impediments to medical evacuation. Through regional coordination, the World Health Organization (WHO) is strengthening surveillance and early-warning systems, and health clusters are mapping the technical expertise and capacity of partners to facilitate the provision of health services in priority areas.

56. In West Africa, continued identification of new poliomyelitis cases prompted intensive polio awareness campaigns. WHO and other United Nations agencies are supporting polio responses in countries including Mali, Somalia and South Sudan.

57. By the end of 2013, 97 per cent of refugees in Africa had access to anti-retroviral treatment on a par with the nationals of their country of asylum. Moreover, in 2013, 95 per cent of UNHCR operations had ensured services to prevent mother-to-child transmission for refugees on a par with nationals. Prior to the onset of the crisis in the Central African Republic, some 12,000 to 15,000 people were receiving anti-retroviral treatment in the country. The Joint United Nations Programme on HIV/AIDS (UNAIDS) and partners conducted a situational analysis to restore patients' access to treatment. In four internally displaced persons camps in Bangui, UNAIDS also provided consulting support for HIV/AIDS testing, supported victims of sexual and gender-based violence, and worked on the prevention of mother-to-child transmission. To date, WFP has provided additional nutritional support to 3,200 people living with HIV/AIDS in the Central African Republic.

Education

58. Education remained an essential component of protection for children and youth affected by conflicts and displacements across Africa. Eighteen countries have completed or drafted refugee education strategies, including child protection and sexual and gender-based violence prevention and response elements, in consultation with host Governments, UNICEF and partners. Three operations have drafted emergency education strategies that respond specifically to refugee populations whose education needs have not been met, a notable trend in recent years, particularly in the Central African Republic and Mali. Seventeen operations have focused on providing support and access to host country education systems for refugees in line with the UNHCR Education Strategy 2012-2016. Working with ministries of education and partners to channel emergency funding into national system support at the onset of emergencies; providing age-appropriate accelerated programming for never-schooled populations; and including refugees in national education planning figures have now become essential considerations in all national and emergency refugee education strategies.

59. Accurate collection of data for school-aged children remains a challenge, especially data related to school retention and completion in addition to enrolment figures, and in non-camp contexts. The average enrolment rate for Malian refugee children in neighbouring countries is 44 per cent. Countries affected by the 2011 Somali influxes average a 40 per cent enrolment rate of refugee children overall.

The enrolment figures of South Sudanese refugee children are uneven across the region, but average approximately 40 per cent as at May 2014. The situation for refugees from the Central African Republic is more dire, with a current regional average enrolment rate of approximately 20 per cent. It is estimated that 85 per cent of school-aged children and youth in the Central African Republic refugee crisis had limited to no access to formal education prior to displacement.

60. Enrolment rates in secondary education for the African refugee population remain very low (often below 15 per cent), largely due to the higher cost of secondary schooling. This remains a priority area for improvement as increased access to secondary formal education has a large impact on preventing early marriage and pregnancy, forced recruitment, labour exploitation and multiple sexual and gender-based violence issues.

Livelihood opportunities

61. United Nations agencies are actively supporting strategies to improve the self-reliance of refugees, particularly to enable them to live within hosting communities, to work and to contribute to local economies. This approach has been crucial in several protracted situations, such as in Chad, Uganda and Zambia.

62. Further efforts to improve life in camps are evident in Eritrea, where refugees and their host communities participate in a multi-year livelihood/self-reliance assistance programme initiated in 2013, which includes support for animal husbandry and horticulture production. In Malawi, 17,500 refugees have limited access to arable land or livelihood opportunities. In response, a community centre was established to encourage economic independence and improved self-reliance through income-generating projects.

63. In Burundi, a total of 2,000 returnees and internally displaced persons benefited from a vocational and entrepreneurship training programme, followed by technical support for setting up cooperatives through a project by the International Labour Organization (ILO). Within the context of South Sudan, where education and literacy levels are low and unemployment and underemployment are high, ILO focuses on capacity-building through the introduction of basic market-relevant business skills, and the provision of start-up kits for 1,500 women and young people.

64. The Transitional Solutions Initiative is being piloted in eastern Sudan, targeting the 12 refugee camps and one internally displaced persons camp in a phased approach. It aims to consolidate camps and convert them into viable local settlements with income-generating opportunities by providing vocational training and access to microfinance services.

B. Humanitarian response capacity and constraints

Security of people of concern and humanitarian staff

65. Security constraints throughout western and central Africa, principally in the Central African Republic and northern Mali, continue to restrict humanitarian operations and limit humanitarian actors' ability to reach persons in need. In the Central African Republic, intensified violence and instability during most of the first quarter of 2014 hindered the deployment of staff and the reopening of offices,

delaying access to communities in dire need of assistance. In Mali, the security situation in the northern part of the country for the past 18 months, marred by numerous security incidents conducted by Islamist insurgents, military operations and recent clashes, has affected humanitarian partners in their operations around Gao and Timbuktu.

66. The situation in South Sudan continues to remain unpredictable and precarious, with particular challenges in maintaining the civilian and humanitarian character of asylum. Indeed, the situation deteriorated during the first half of 2014, directly threatening the security of refugees and host communities, especially women and children.

Access

67. In South Sudan, food security dramatically diminished among isolated refugee camp populations between March and May 2014, despite extraordinary initiatives such as airlifts and local procurements. For the refugee influx in Cameroon, access remains difficult, costly and slow. Refugees arrive through more than 30 border points, dispersed along a border that is over 900 kilometres long. Many do not make it to the transit centres to receive immediate aid, and in some cases, it takes days to reach refugees who have arrived in remote villages. Extremely poor road infrastructure, further degraded by the rainy season, has hindered the movement of food, shelter and non-food items from supply hubs.

V. Ending forced displacement

A. Voluntary return

68. Over 168,000 refugees were able to return home in 2013. The most significant returns occurred to Côte d'Ivoire, the Democratic Republic of the Congo (Equateur Province) and Somalia. In particular, some 20,000 Ivorian refugees were repatriated in 2013, and more than 8,000 returned from Liberia in 2014. Approximately 45,000 Ivorian refugees remain in Liberia, a fraction of the 220,000 at the peak of the post-electoral crisis in 2010-2011.

69. Some 1,666 Angolans were voluntarily repatriated in 2014, and more than 500 returned in the first four months of 2014. Repatriation of Angolans from the Democratic Republic of the Congo is being prepared through ongoing verification of those who remain. Meanwhile, more than 6,000 Rwandans returned voluntarily to Rwanda in 2013, predominantly from the Democratic Republic of the Congo, with a small number returning from Uganda. Following a ministerial meeting in Pretoria in April 2013, involving Rwanda and the main asylum countries, agreement was reached on an approach to the cessation of refugee status, tailored to the situation in each country of asylum. Finally, nearly 500 Ethiopian refugees in South Sudan were assisted to be voluntarily repatriated, some through emergency air evacuation in the early months of 2014.

B. Local integration

70. The Government of Zambia has been implementing its decision to locally integrate 10,000 refugees who were born and raised in Zambia as second or third generation refugees, particularly Angolan and Rwandan refugees. This initiative includes documentation and socioeconomic integration interventions and is expected to be finalized by 2016. After 40 years of WFP providing assistance to refugees in the country, food aid was phased out in 2013. Only some 3,700 refugees remain on food assistance in the country. Local settlement initiatives have positive effects on household stability and earnings. For example, a study of households assisted in one local settlement project for refugees revealed an increase in the average monthly income, which has had a direct upward correlation to household nutrition, as evidenced by the 2013 Zambian Nutritional Survey, as well as increased access to other services such as child education.

71. At mid-year 2014, the process for local integration of Liberian refugees was finalized in the Gambia, Guinea-Bissau and Nigeria, and ongoing elsewhere. Nearly 1,000 individuals remain at risk of statelessness, as their Liberian nationality has not yet been confirmed. UNHCR is supporting the Government of Liberia to undertake missions to review these cases and find solutions. Nearly 5,600 passports have been issued and distributed to Liberian refugees in countries of asylum thus far.

72. The Republic of South Africa has issued residence permits to facilitate local integration of more than 2,000 former Angolan refugees. The Government of Namibia is in the process of issuing permanent residence permits to some 1,700 former Angolan refugees.

73. Local integration is also fostered through existing regional frameworks, such as the Protocol on the Free Movement of Persons, the Right of Residence and Establishment of the Economic Community of West African States. This has proved to be an important mechanism, for example for Liberian refugees whose status ceased during the year and who had chosen to locally integrate in their country of asylum.

C. Resettlement

74. A record number of requests for resettlement — 28,452 — were submitted in sub-Saharan Africa in 2013, nearly double the number in 2012. This progress was facilitated by the improved identification of resettlement cases following registration/verification exercises. The regional strategy for the resettlement of refugees from the Democratic Republic of the Congo, initiated in early 2012, has enhanced their resettlement opportunities from Burundi, Rwanda, Uganda and the United Republic of Tanzania. At the time of writing, some 12,200 individuals had submitted requests for resettlement.

D. Sustainability of solutions

75. Self-reliance projects were supported by the United Nations in at least seven countries in Africa (Burundi, the Democratic Republic of the Congo, Eritrea, Kenya, Mali, South Sudan and Uganda), leading to the sustainable reintegration of over 2,500 refugees, internally displaced persons and returnees. In eastern Democratic

Republic of the Congo, 265 internally displaced persons (of which 120 were women) received training in microenterprise management. In Burundi, a business development programme for returnees helped increase income levels and improved social cohesion for over 300 households.

76. The UNHCR and ILO self-reliance programme in Dollo Ado, Ethiopia, supported by the IKEA Foundation, complements the Government's development programme and includes refugee and host communities. This programme prioritizes activities that increase refugees' self-reliance through a comprehensive livelihoods programme, in a shift away from long-term aid dependency. It aims to build refugees' resilience in anticipation of their return to their places of origin in western Somalia. A resulting increase in household income, including the ownership of animals and agriculture activities, has been noted in 2013. Innovative approaches to refugee shelters, renewable energy and camp layouts are also being piloted in Dollo Ado for eventual implementation in other operations. In addition to providing training on cooperative development and business management, business grant support has been made available by ILO to improve the livelihood of refugees. In Kobe, 57 business initiatives are being supported with funding of up to $3,000 for each initiative.

77. UNHCR is leading, through its Transitional Solutions Initiative, innovative approaches to facilitate rapid transition from humanitarian assistance to self-reliance, including in Cameroon and Niger, among other places. This approach involves the line ministries, civil society, the private sector and development actors to support capacity-building and empower refugees in the economic market and reduce reliance on aid.

VI. Partnerships

78. The UNHCR Refugee Coordination Model, which seeks to ensure predictability and coherence in refugee emergency response, was launched in 2013. Owing to the varied nature of refugee situations, the model promotes flexible approaches and pragmatic coordinated response structures, bringing together Governments, United Nations agencies, traditional and non-traditional partners to enhance coordination and responses to these emergencies. Consultations with United Nations and NGO partners in Uganda in April 2014 explored challenges and opportunities presented by the model. An introductory workshop on the model, together with the issuance by UNHCR and the Office for the Coordination of Humanitarian Affairs of the "Joint UNHCR-OCHA note on mixed situations: coordination in practice" (on refugees and internally displaced persons), was held in June 2014 in the Democratic Republic of the Congo. Further missions are planned for the second half of 2014 to roll out the model, including in mixed situations.

79. System-wide level 3 responses have been declared in the Central African Republic and South Sudan. The South Sudan operational peer review is scheduled for late June 2014, initiating significant capacity and leadership strengthening and necessitating an operational peer review to be conducted within 90 days. Deputy humanitarian coordinators were deployed in both crises. The response both in the level 3 countries and refugee-hosting neighbouring countries was strengthened by the rapid allocation of funding from the Central Emergency Response Fund.

80. Since January 2013, the inter-agency Protection Standby Capacity Project has facilitated the deployment of eight senior protection officers to United Nations

agencies in Africa to support protection and child protection coordination, strengthen protection in natural disasters and assist Governments in implementing national internally displaced persons and durable solutions policies in countries including Burundi, Kenya, Mali, Nigeria, Somalia and the Sudan. Additional expertise was also provided at the subregional level in southern Africa to strengthen the collaborative response of protection agencies and non-protection mandated organizations with refugees, returnees and displaced persons.

81. United Nations agencies implement protection and humanitarian operations in cooperation with national and international NGO partners. The latter are involved in every stage of emergency responses, from reception, health, nutrition, shelter, camp coordination and management, protection, child protection, water, sanitation and hygiene, and other sectorial responses. NGOs are also key partners in mainstreaming gender in the humanitarian response in accordance with the United Nations strategic results framework on women, peace and security, for example in the Sudan, Uganda and the United Republic of Tanzania.

82. Given the critical role that national NGOs play in responding to humanitarian crises, building their response capacity remains a priority. In 2013, the Africa NGO Task Force, representing some 60 national NGOs from across sub-Saharan Africa, held two regional training sessions in southern and western Africa on programme and financial management.

83. In 2013, at the twenty-first ordinary session of the African Union Assembly of Heads of State and Government, held in Addis Ababa, the Assembly adopted the Commission's Strategic Plan 2014-2017. One of the main aims of the Strategic Plan is to enhance the African Union's humanitarian fund, putting in place measures to achieve higher standards of protection and assistance for refugees, internally displaced persons and others affected by conflict.

84. In Côte d'Ivoire, the United Nations Development Programme and UNHCR are developing a durable solutions strategy for internally displaced persons and returnees in line with the Secretary-General's preliminary framework on ending displacement in the aftermath of conflict, which establishes priorities and responsibilities to support durable solutions for these populations.

VII. Conclusion and recommendations

85. Despite progress made in finding durable solutions, with many refugees returning home or integrating locally, new and ongoing emergencies in Africa caused massive internal displacement and resulted in an increase in the number of new refugees for the fourth consecutive year. Forced displacement has exposed people to many protection risks, including forced recruitment, sexual and gender-based violence, armed attacks, abductions and trafficking.

86. With a view to maintaining peace and security in Africa, and alleviating the suffering of millions of people across the continent, all States should fulfil their responsibility to protect refugees and ensure the human rights of all people. This includes respecting fully the principle of non-refoulement, maintaining open borders, combating xenophobia, ensuring the humanitarian and civilian character of displacement sites, and ending impunity for all forms of violence, including sexual and gender-based violence.

87. All States and non-State actors are urged to ensure rapid, unimpeded access of humanitarian relief to persons in need, including refugees and internally displaced persons, in compliance with international humanitarian law. They are also called upon to ensure the security of humanitarian workers, so that impartial aid can be delivered safely, even during ongoing hostilities. All African States are encouraged to sign, ratify and enforce the Convention on the Safety of United Nations and Associated Personnel.

88. All States and non-State actors are urged to respect international human rights and humanitarian law in preventing the forced displacement of civilian populations within State borders. When displacement is unavoidable, States should take all measures to safeguard these populations.

89. The States that have already ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa are to be commended; African Union member States that have not yet done so are encouraged to sign and ratify this instrument. In addition, those States that have ratified the Convention should fully incorporate it into domestic law. All States should develop national internally displaced persons frameworks, as they can serve to prevent, manage and find solutions for all types of internal displacement situations resulting from armed conflict, general violence, violations of human rights and natural or human-made disasters.

90. African States that have not yet acceded to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness should consider accession. States are encouraged to work with relevant organizations, particularly UNHCR, to identify stateless populations and those at risk of becoming stateless on their territory and to review their national legislation to eliminate gaps that may cause or perpetuate statelessness.

91. All States, including countries of origin, hosting countries and donor countries, are urged, together with development, peacebuilding and humanitarian actors, to support the search for solutions for the millions of refugees and internally displaced persons on the continent.

92. Every effort should be made to make sure that displaced persons can re-establish peaceful and productive lives and do not remain in protracted displacement. Governments, together with development and humanitarian actors, must work closely in developing durable solutions strategies for refugees and internally displaced persons, including by incorporating them into national plans, ensuring access to employment and taking all preventative measures to end displacement.

93. States, humanitarian and development agencies and NGOs are urged to include affected populations as active participants in the formulation of priorities for programmes and activities that affect their lives at all stages of displacement.

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Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Combating racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of the follow-up to the Durban Declaration and Programme of Action

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere, prepared pursuant to General Assembly resolution 68/151.

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Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Summary

In the Durban Declaration and Programme of Action, particular attention is paid to concerns related to racism, racial hatred, xenophobia, racial discrimination and related intolerance, and a comprehensive framework provided for possible actions to combat such phenomena. In the present report, the Special Rapporteur focuses on the issue of racism and sports. Following a brief introduction (sect. I) and the overview of his activities carried out in the period since the issuance of his previous reports (sect. II), the Special Rapporteur refers in section III to racism, racial discrimination, xenophobia and related intolerance in sports, building upon the work initiated by his predecessors, and illustrates some manifestations of racism in team and individual sports. He then discusses the applicable legislation and standards at the international, regional and national levels, and presents some of the initiatives of sports federations and civil society that focus on preventing and combating racism in sports.

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 68/151, concerning global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action. In that resolution, the General Assembly encouraged the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, within his mandate, to continue focusing on the issues of racism, racial discrimination, xenophobia and related intolerance, which impede peaceful coexistence and harmony within societies.

2. In section II of the report, the Special Rapporteur refers to the activities he has undertaken since the submission of his previous reports to the General Assembly (A/68/329 and A/68/333).

3. In section III, the Special Rapporteur examines and discusses the phenomenon of racism, discrimination and other related intolerance in sports, building upon previous reports of his predecessors, illustrating some manifestations of racism in team and individual sports. He also discusses the applicable legislation and standards at the international, regional and national levels, and presents some key initiatives undertaken by numerous stakeholders, including sports federations and civil society, focused on preventing and combating racism in sports.

II. Activities of the Special Rapporteur

A. Country visits

4. The Special Rapporteur would like to thank the Government of the Republic of Korea, which has accepted his request for a visit from 29 September to 6 October 2014. The Special Rapporteur is awaiting confirmation of dates for a visit to Greece, which he hopes to undertake by early 2015. The Special Rapporteur is awaiting invitations to visit India, South Africa and Thailand. The Special Rapporteur also sent a request for a follow-up visit to Japan and a request for a visit to Fiji.

5. The Special Rapporteur visited Mauritania from 2 to 8 September 2013. He expresses his gratitude to the Government for its cooperation and openness in the preparation and conduct of his visit. The report on the visit was presented to the Human Rights Council at its twenty-sixth session (A/HRC/26/49/Add.1).

B. Other activities

6. The activities of the Special Rapporteur between July 2013 and March 2014 are reflected in his report to the Human Rights Council at its twenty-sixth session (A/HRC/26/49). Since March, the Special Rapporteur has participated in the third and final meeting of the Advisory Group on the Teaching Respect for All initiative, convened by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Paris, on 6 and 7 March. The Advisory Group reviewed the outcomes of several pilot projects conducted at the national level and validated the Teaching

Respect for All toolbox, an initiative undertaken by UNESCO to develop educational material that promotes non-discrimination and inclusion.

7. On 20 March, the Special Rapporteur held an exchange of views with representatives of the European Commission against Racism and Intolerance of the Council of Europe in Strasbourg, France, during which themes of common interest and possible areas of future cooperation were discussed.

8. On 16 June, the Special Rapporteur participated as a keynote speaker in a roundtable on racial/ethnic issues in police stop-and-search operations, organized in Berlin by the German Anti-Discrimination Agency as part of its activities for the Year against Racism, 2014.

9. The Special Rapporteur convened a side event on racism on the Internet and social media on the occasion of the presentation of his report to the Human Rights Council in Geneva on 26 June, with the participation of the Executive Secretary of the European Commission against Racism and Intolerance, the Vice Chair of the Federal Commission against Racism of Switzerland and a representative of the Association for Progressive Communications.

III. Racism, racial discrimination, xenophobia and related intolerance in sports

A. Context

10. The General Assembly, in its resolution 58/160, requested the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to pay special attention to the increasing frequency of incidents of racism at various sporting events. Pursuant to that request, the former mandate holders examined the issue of racism in sports and, in their reports to the General Assembly, the Commission of Human Rights and the Human Rights Council, described the evolution of racist manifestations, racial hatred, xenophobia, racial discrimination and related intolerance in sports.

11. In his annual report to the General Assembly in 2003, the former Special Rapporteur Doudou Diène, warned about the recent increase of racist and xenophobic remarks coming from the stands at sporting events (see A/58/313, para. 26). Such incidents had been most common in European football, where players of African origin were greeted by spectators with monkey calls and racist insults, and bananas thrown in the stadium. Similar incidents had also been reported in tennis matches of major league tournaments (see A/58/313, paras. 27 and 28).

12. In his report to the General Assembly in 2004, the Special Rapporteur reiterated his earlier concerns (see A/59/329, sect. III.C). In 2005, he submitted two reports in which he addressed the issue of racism in sports: his annual report to the General Assembly (A/60/283, sect. III.B) and his annual report to the Commission on Human Rights (E/CN.4/2005/18, para. 48 (g)). In 2006, the Special Rapporteur again addressed the issue in his reports to the General Assembly (see A/61/335, paras. 37-40) and the Commission on Human Rights (E/CN.4/2006/16, sect. II.E). In 2007, he noted with concern that, in spite of the efforts made, racist violence in stadiums, more than ever, continued to be a serious phenomenon (A/HRC/4/19, para. 53); he reiterated the need to tie sanctions and penalties for all manifestations

and expressions of racism to an educational and cultural strategy and, in particular, to promoting the values of mutual respect and fair play over nationalism and commercialism that prevail in competitive sports (see A/62/306, para. 43).

13. In his interim report to the General Assembly in 2010, the newly appointed Special Rapporteur continued to address the issue of racism in sports, recalling that mass sports events offered valuable outreach platforms to mobilize people and convey crucial messages about equality and non-discrimination (A/65/295, para. 61). In 2012, the current mandate holder addressed the issue in his first report to the Human Rights Council (A/HRC/20/33, paras. 40-42). He recalled paragraph 86 of the Durban Programme of Action, which called upon States to counter ideologies that promoted racial hatred and racial discrimination, including by taking measures to combat the negative influence of such ideologies, especially on young people, through formal and non-formal education, the media and sport, as well as Human Rights Council resolution 13/27, entitled "A world of sports free from racism, racial discrimination, xenophobia and related intolerance". He emphasized the importance of enhancing and establishing cooperation among States, intergovernmental organizations, international, regional and national sporting bodies and civil society to prevent racism, and recalled paragraph 218 of the Durban Programme of Action in which States were urged, in cooperation with such organizations and bodies, to intensify the fight against racism in sport by, among other things, educating the youth of the world through sport practised without discrimination of any kind and in the Olympic spirit, which requires human understanding, tolerance, fair play and solidarity. The Special Rapporteur expressed his continuing concern that, despite the immense potential of sport in promoting tolerance, racism in sport remained a serious problem. He noted that sport federations in some parts of the world had committed themselves to and often taken measures to punish and prevent racist incidents in sporting events, such as football, and proposed to bring attention to such good practices in a future report.

14. The Special Rapporteur would like to clarify that racism in sports is only one manifestation of discrimination and exclusion directed at persons and groups on the basis of their race, ethnicity, gender, sexual orientation or other characteristics. Only by redressing the historical legacies and imbalances of racism and discrimination and by constructing tolerant and inclusive societies can the root causes of racism and intolerance in sports be addressed. In the present report, the Special Rapporteur builds on past efforts, including the efforts of his predecessor. The report examines the progress made with regard to legal standard setting at the international, regional and national levels and highlights some key positive initiatives undertaken by various stakeholders. The Special Rapporteur seeks to provide an overview of the remaining challenges and some good practices in the fight against racism and discrimination in sports and, to this end, is grateful for the insights gained from studies carried out by various international and national human rights institutions as well as reports of sports federations and national Governments.

B. Manifestations of racism, racial discrimination, xenophobia and related intolerance in sports

15. Throughout history, team and individual competitions have been based on the principle of a level playing field, with individual and collective effort rather than

skin colour, ethnicity or religion as the basis for achievement.[1] As such, sports have the capacity to demystify racial superiority discourses, making them an important and practical instrument for combating racism and proving that athletes succeed in sports independent of their skin colour. Such was the case with the 1936 Olympic Games in Berlin, in which the participation of athletes of multiracial backgrounds exposed the fallacies of racism and supposed-Aryan superiority promoted by the Nazi regime at the time.[2] Furthermore, sports can be used as a positive symbol for social acceptance by conveying the image of multi-ethnic teams representing one nation and competing for a common goal.

16. Regrettably, modern sports continue to be afflicted by incidents and patterns of racial violence, racial insults and racial intolerance on the field and in arenas, as well as outside them. In recent times, not only have team events that appeal to large numbers of the public, such as football, rugby and basketball, been affected but individual professional sports, such as tennis and golf, have also been marred by racist acts (see A/58/313, paras. 27 and 28). The largest share of data and examples of racist action comes from Europe, mostly owing to the large number of human rights bodies and civil society organizations dedicated to cataloguing such incidents.[1]

17. The Special Rapporteur notes that racist acts during sporting events are prevalent throughout the world. The most common are in the form of racist abuse aimed at players and supporters, as well as the display of racist banners and flags. In Europe, there have been many cases of bananas thrown at players of African descent during football matches in national leagues and regional competitions.[3] Most recently, in 2014, a football player was the target of monkey calls and had a banana thrown at him during a match.[4] Another football player had been the target of a similar incident during a Euro 2012 match.[5] Racism by sports fans, however, is not confined to one region, and fans have been seen carrying banners and flags with far-right and ultra-nationalistic slogans and symbols in many parts of the globe. Recently, a football player was subjected to racial insults during the 2014 World Cup soccer tournament after having injured a player from the opposing team during a qualifying match.[6]

18. Similarly, other sports have witnessed racist insults and attacks by fans. Serena and Venus Williams, both top-ranked tennis players in international tennis, have reported being subjected to racially motivated boos and cat-calls from spectators during tournaments.[7] Jo-Wilfried Tsonga, another tennis player, reported that during his career he had received several letters containing racial abuse. In his autobiography, the former captain of the South African rugby team, Corné Krige,

[1] See European Union Agency for Fundamental Rights, *Racism, Ethnic Discrimination and Exclusion of Migrants and Minorities in Sport: A Comparative Overview of the Situation in the European Union* (Vienna, October 2010). Available from http://fra.europa.eu/sites/default/files/fra_uploads/1207-Report-racism-sport_EN.pdf.

[2] See James P. Barry, *The Berlin Olympics, 1936: Black American Athletes Counter Nazi Propaganda*, A World Focus Book (New York, F. Watts, 1975).

[3] See http://www.cbsnews.com/news/barcelona-star-eats-banana-thrown-at-him-as-racist-taunt/.

[4] See http://www.bbc.com/sport/0/football/27316855.

[5] See http://www.theguardian.com/football/2012/may/30/euro-2012-mario-balotelli-italy.

[6] See http://www.nytimes.com/2014/07/08/world/americas/neymars-injury-sidelines-effort-to-end-world-cup-racism.html?_r=0.

[7] See http://abcnews.go.com/Sports/story?id=99759.

criticized the lingering racism and referred to an incident during the 2003 Rugby World Cup in which a player had refused to share a room with a black teammate for racist reasons.

19. The Special Rapporteur observes that some representatives of sports federations, club officials and managers have trivialized racist chants from sports fans. Their usual interpretation of these events attributes racist utterances to rivalry and to emotions associated with competitive sporting events, and they tend to downplay them For example, in November 2011, the President of the Federation for International Football Association (FIFA), Joseph Blatter, dismissed the existence of racism among football players; he referred to such incidents as "the game", suggesting that racial comments by players were justified during a match.[8] In April 2014, a national football team coach stated that there was no racism in football and that he chose to believe that a previous incident in his team was an isolated act.[9] These kinds of statements serve to undermine the struggle against racism and xenophobia.

20. Racist comments by club officials and managers during sports events have also been reported. In May 2014, the owner of a United States basketball team reportedly made racial comments during a private phone conversation.[10] The Special Rapporteur observes that racially motivated insults during matches and sports events are not exclusively spectator-related but also common practice among opposing athletes. On October 2011, player Luis Suarez was banned from stadiums for eight matches and fined £40,000 for racially abusing another player during an English Premier League match.[11] In 2013, player Nicolas Anelka had his contract terminated for gross misconduct after he made a gesture regarded as anti-Semitic during an English Premier League match.[12] Similarly, in 2013, Belgian player Omar Rahou was banned for 10 games with his national team from any competition organized by the Union of European Football Associations (UEFA), after he made the same gesture several times during a game.[13] Many similar incidents of anti-Semitism and racism have been reported in football and other sports.

21. The Special Rapporteur would also like to address the issue of equal access by ethnic minorities to sports, including sports that are historically known as "white" or "elite", such as cycling, tennis, golf, equestrian events and swimming. Wealth plays an important role in restricting access to certain sports and those in which participation requires higher incomes tend to reflect less diversity.[14] In tennis, while players such as Serena and Venus Williams have been ranked as top international players for years, the number of black players in European and North American

[8] See http://www.telegraph.co.uk/sport/football/international/8894556/Sepp-Blatter-Fifa-president-claims-there-is-no-racism-in-football.html.

[9] See http://espndeportes.espn.go.com/news/story?id=2076652&s=esp&type=story.

[10] See http://www.theguardian.com/world/2014/apr/29/nba-la-clippers-donald-sterling-lifetime-ban-racist-comments.

[11] See http://www.dailymail.co.uk/sport/football/article-2076452/Luis-Suarez-given-match-ban-race-row.html.

[12] See http://www.mirror.co.uk/sport/football/news/nicolas-anelka-quenelle-west-brom-3190106.

[13] See http://www.mirror.co.uk/sport/football/news/uefa-hand-futsal-player-omar-3206798#ixzz33rA1rA7B.

[14] See, for example, http://www.fina.org/H2O/index.php?option=com_wrapper&view=wrapper&Itemid=805, http://www.fei.org/fei/fei-partners/longines/rankings, http://www.atpworldtour.com/Rankings/Singles.aspx and http://www.owgr.com/ranking (accessed 21 July 2014).

tennis federations has been disproportionate to their representation in those societies. Similarly, while Tiger Woods has been highly successful as a golfer from a racial minority, the composition of the top 50 players in 2014 is almost entirely white with very few representatives from minorities.[15] Similarly, swimming, cycling and equestrian sports, all of which require high levels of income for entry, are characterized by less racial and ethnic diversity in national and international competitions.

22. Racial, ethnic and xenophobic prejudice underpins such utterances and practices, which are incompatible with the principles of the Universal Declaration of Human Rights and the various international conventions outlawing discrimination. The Special Rapporteur considers that eradicating racism from sports is an urgent concern that requires collective action by international organizations, international sports federations, national Governments, national sports federations and civil society.

23. The section below provides an overview of the existing legal framework and a compilation of some of the good practices initiated by several governmental and non-governmental bodies throughout the world in the fight against racism and related intolerance in sports.

C. Legal, policy and regulatory frameworks and measures taken at the international, regional and national levels by international organizations, governmental agencies, sports federations and civil society organizations

24. The Special Rapporteur observes that a fairly robust international legal framework already exists, as do a number of important emerging legal and policy initiatives implemented at the regional, national and local levels by Governments, international organizations, international sports federations, national sport federations and civil society organizations.

1. International frameworks and initiatives

25. Article 4 (a) of the International Convention on the Elimination of All Forms of Racial Discrimination provides that States parties shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, as well as incitement to racial discrimination. Article 4 (b) provides that States parties shall declare illegal and prohibit organized and all other propaganda activities that promote and incite racial discrimination.

26. A number of United Nations human rights bodies have addressed the issue of racism, racial hatred, xenophobia, racial discrimination and related intolerance in sports. The Committee on the Elimination of Racial Discrimination, in paragraph 2 (c) of its general recommendation No. 33 on the follow-up to the Durban Review Conference (CERD/C/GC/33), recommended that all international sporting bodies promote, through their national, regional and international federations, a world of sports free from racism, racial discrimination, xenophobia and related intolerance. In paragraph 7 of its general recommendation No. 35 on combating racist hate

[15] See http://www.owgr.com/ranking.

speech (CERD/C/GC/35 and Corr. 1), the Committee stated that racist hate speech could take many forms and was not confined to explicitly racial remarks, and that speech attacking particular racial or ethnic groups might employ indirect language in order to disguise its targets and objectives. The Committee also recommended that States parties give due attention to all manifestations of racist hate speech and take effective measures to combat them, including such non-verbal forms of expression as the display of racist symbols, images and behaviour at public gatherings, including sporting events. In paragraph 8 of the recommendation, the Committee considered that the importance of article 7 of the Convention had not diminished over time, noting that it highlighted the role of teaching, education, culture and information in the promotion of inter-ethnic understanding and tolerance.

27. In the Durban Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF. 189/12 and Corr. 1, chap. I), several important areas of action to combat racism and related intolerance were highlighted, in particular the positive contribution of sport in the prevention of racism, violent nationalistic ideologies and xenophobic sentiments, particularly among young people. Recalling the Olympic spirit, with its emphasis on human understanding, tolerance, fair play and solidarity, States are urged in paragraphs 86 and 218 of the Programme of Action to implement legal sanctions in respect of incitement to racial hatred, in accordance with relevant international human rights law and in cooperation with intergovernmental organizations, the International Olympic Committee and international and regional sports federations, to intensify the fight against racism in sport. States are also encouraged to implement, in cooperation with relevant stakeholders, educational measures aimed at teaching youth the Olympic spirit through sports practised without discrimination.

28. The General Assembly has, on a regular basis, adopted resolutions addressing the global efforts aimed at the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow up to the Durban Declaration and Programme of Action.[16] In those resolutions, the General Assembly invited Member States to demonstrate greater commitment to fighting racism in sport by conducting educational and awareness-raising activities and by strongly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations. Furthermore, the Assembly expressed its concern at the increasing incidence of racism in various sporting events, while noting with appreciation the efforts undertaken by some governing bodies of the various sports federations to combat racism. In that regard, it invited all international sporting bodies to promote, through their national, regional and international federations, a world of sport free from racism and racial discrimination.

29. In particular, the General Assembly has called upon States to take advantage of mass sporting events as valuable outreach platforms for mobilizing people and conveying crucial messages about equality and non-discrimination and urged States, in cooperation with intergovernmental organizations, the International Olympic Committee and international and regional sports federations, to intensify the fight

[16] Resolutions 58/160, 59/177, 60/144, 61/149, 62/220, 63/242, 64/148, 65/240, 66/144, 67/155 and 68/151.

against racism in sports by, among other things, educating the youth of the world through sport practised without discrimination of any kind and in the Olympic spirit (resolution 67/155, paras. 75 and 76).

30. The Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action addressed the role of sport in combating racism, racial discrimination, xenophobia and related intolerance at its ninth session in 2012 (see A/HRC/19/77) and noted the potential of sport as a tool for the promotion of equality and diversity. The Working Group encouraged States, relevant stakeholders, in particular sport associations and committees, to ensure equality and non-discrimination based on combating racism, racial discrimination, xenophobia and related intolerance with regard to access to and use of sport facilities and services, job opportunities and career development (A/HRC/19/77, para. 111). The Working Group also noted the important role of sports players, sports authorities and other relevant bodies in contributing to awareness-raising campaigns on preventing and combating racism, racial discrimination, xenophobia and related intolerance and reinforcing the message for the elimination of racism, racial discrimination, xenophobia and related intolerance (A/HRC/19/77, para. 115). It encouraged the United Nations High Commissioner for Human Rights, the Special Adviser to the Secretary-General on Sport for Development and Peace and other relevant parts of the United Nations to engage with relevant international sporting bodies to discuss practical measures aimed at combating racism, racial discrimination, xenophobia and related intolerance in sport, such as the development and promotion of codes of conduct against racism in sport and of international standards and certificates(A/HRC/19/77, para. 120).

31. The United Nations Office on Sport for Development and Peace has also undertaken various initiatives to regulate and promote sport without discrimination.[17] The Secretary-General's Special Adviser on Sport for Development and Peace, Wilfried Lemke, launched in 2012 the youth leadership programme, an event whereby young people aged between 18 and 25 years receive practical and theoretical training from industry leaders on how to modify, improve and expand initiatives that support sport, peace and development.[18] Recent events have been held in Germany, the Republic of Korea, Qatar and Switzerland with young people of several nationalities. The Special Adviser has, in partnership with the International Olympic Committee, organized the International Forum on Sport for Peace and Development with the view of solidifying the support of various stakeholders in the fields of sport and sport for development and peace.

32. The fundamental principles of the Olympic Charter, the core document of the Olympic Games, place sport at the service of the harmonious development of humankind and peaceful relations among nations, enshrining the values of human understanding, friendship, tolerance, fair play and solidarity, and combating any form of racial intolerance and discrimination.[19] In accordance with the Code of

[17] See http://www.un.org/wcm/content/site/sport/home/unplayers/special_adviser (accessed 30 July 2013).

[18] See United Nations Office on Sports for Development, *Annual Report 2012: The Year of the Youth Leadership Programme* (Geneva, July 2012). Available from https://www.un.org/wcm/webdav/site/sport/shared/sport/Documents/UNOSDP%20Annual%20Report%202012%20Final.pdf.

[19] See http://www.olympic.org/documents/olympic_charter_en.pdf, pp. 11-12 (accessed 21 July 2014).

Ethics of the International Olympic Committee, safeguarding the dignity of the individual is a fundamental requirement of Olympism; there should be no discrimination between the participants on the basis of race, gender, ethnic origin, religion, philosophical or political opinion, marital status or any other grounds; and all forms of harassment of participants, be it physical or psychological, are prohibited.[20]

33. The International Olympic Committee (IOC) supports this ideal through several thematic commissions. The Sport for All Commission promotes sport as a human right for all individuals, regardless of race, social class and gender.[21] Each year, the Commission allocates IOC patronage and financial assistance to between 15 and 20 sport-for-all events in each of the five continents, the main selection criterion being that the event concerned must truly be open to all. Furthermore, the Commission supports International Olympic Day, which is celebrated throughout the world with inclusive sports activities that unite men, women and children of all ages.[22] The Sport for All Commission also encourages the promotion of the World Conference on Sport for All, which is held every two years. Such events provide an ideal forum for exchanging ideas and experiences at an international level. At the most recent World Conference, held in Lima, the social benefits of sport, access to sport facilities and the role of civil society in sport were discussed.[23]

34. The International Olympic Committee is also active with regard to women's rights in sport. The Women and Sport Commission is a consultative body that supports the development and implementation of policies of gender equality at IOC.[24] The Commission has undertaken several educational and training initiatives, such as seminars and workshops on women's leadership in sports, and regional information seminars aimed at giving greater visibility to women and sport issues and to encourage National Olympic Committees to step up their work in this area. The Commission also undertook efforts to ensure that women benefit from equal opportunity in the scholarships offered by IOC.[25] Furthermore, IOC supports the World Conference on Women and Sports, which is held every four years. The purpose of the Conference is to assess the progress made within the Olympic movement and to define future priority actions to improve and increase the involvement of women and girls in sports. Discussed at the most recent Conference, held in Los Angeles, United States of America, in 2012, was the need for women and men to work together to break down barriers and overcome obstacles to further progress; it was stressed that gender equality in sport could only be achieved through collaboration and partnerships with all relevant stakeholders.[26] Other IOC bodies, such as the International Relations Commission, the Commission for Culture and Olympic Education, the International Olympic Truce Foundation and the Sport and Environment Commission, also support the ideals of Olympism through

[20] http://www.olympic.org/Documents/Commissions_PDFfiles/Ethics/code-ethique-interactif_en_2013.pdf, p. 12 (accessed 21 July 2014).

[21] See http://www.olympic.org/sport-for-all-commission?tab=mission (accessed 25 July 2014).

[22] See http://www.olympic.org/sport-for-all-commission?tab=support (accessed 25 July 2014).

[23] See http://sportforall2013.org/sites/default/files/programme_eng.pdf (accessed 25 July 2014).

[24] See http://www.olympic.org/women-sport-commission?tab=mission (accessed 25 July 2014).

[25] See http://www.olympic.org/women-sport-commission?tab=support (accessed 25 July 2014).

[26] See http://www.olympic.org/Documents/Commissions_PDFfiles/women_and_sport/report_5th_conference_women_and_sport_EN.pdf.

educational and awareness-raising activities in the areas of development, peace and environment.[27]

35. The Federation for International Football Association (FIFA) has been a long-standing and active player in the fight against racism in international football and has instituted a series of symbolic actions to teach fair play and respect for diversity of both athletes and supporters.[28] The FIFA anti-discrimination day is a special pre-match event, initiated in 2002 during the semi-finals of the World Cup in the Republic of Korea and Japan, which now takes place annually at one of the FIFA competitions to raise awareness of the need to abolish racism and other forms of discrimination throughout the world. Prior to the match, the captains of both teams read out a declaration against discrimination, following which both teams come together in the centre of the stadium and hold a banner with slogans against racism. Another initiative, the "Say No to Racism" campaign sponsored by FIFA, began with the 2006 World Cup and expanded upon the FIFA anti-racism day, making it customary to prominently display large "Say no to racism" banners prior to official FIFA matches. Furthermore, as part of the campaign, FIFA publishes on its official website interviews with players, coaches, representatives of clubs and federations and other relevant stakeholders concerning the issue of racism in sport, thereby multiplying and empowering voices against racism.

36. The sixty-third FIFA Congress, held in 2013, unanimously adopted a resolution on the fight against racism and discrimination,[29] in which the range of sanctions for racism and the personalities legally subject to them was expanded. Sanctions may be imposed on players, officials and spectators, the staff of clubs and associations, and the clubs and associations themselves. The document foresees a large number of sanctions, such as fines, match suspensions, stadium bans, deductions of points, relegation to a lower division, closed matches, forfeit of matches, and disqualification from competition. As far as the fines are concerned, various minimum amounts are established in order to reflect the severity of the infringements. The sanctions are mandatory for all member associations and must be implemented, without exception, in local and regional competitions in accordance with their internal association structure.

37. For the 2014 World Cup in Brazil, the Brazilian Government, in tandem with FIFA, prepared the campaign entitled "Copa sem Racismo" (World Cup without Racism).[30] Several media broadcasts were prepared to raise awareness that racism and related intolerance is an unacceptable crime. The campaign was broadcasted on popular news websites in Brazil and the official websites of the Government and public agencies. Pursuing the objective of no racist incidents at the World Cup, social media and the hashtag #copasemracismo were used to encourage the population to adhere to the campaign, and a series of videos promoting a World Cup without racism were exhibited during the lead-up. Furthermore, in both the semi-finals and the final, players entered stadiums carrying banners and posters with anti-racist slogans.

[27] See http://www.olympic.org/olympism-in-action (accessed 15 July 2014).

[28] See http://www.fifa.com/aboutfifa/socialresponsibility/antiracism/ (accessed 21 July 2014).

[29] http://www.fifa.com/mm/document/afsocial/anti-racism/02/08/56/92/fifa-paper-against-racism-en-def_neutral.pdf (accessed 21 July 2014).

[30] See http://www.copa2014.gov.br/pt-br/noticia/jogos-da-copa-do-mundo-trarao-mensagens-contra-o-racismo (in Portuguese; accessed 21 July 2014).

2. Regional frameworks and initiatives

38. The Special Rapporteur appreciates the extensive work of regional organizations in combating racism and related intolerance, and welcomes the development of groundbreaking frameworks to fight racism at sporting events, as well as specific initiatives aimed at educating stakeholders and raising awareness of the issue.

39. The Special Rapporteur was made aware of the Media against Racism in Sport programme, a joint programme of the European Union and the Council of Europe.[31] Having recognized that media coverage of sport did not always reflect social and cultural diversity, the programme is aimed at including diversity and non-discrimination in media production and content design. In order to enhance the capacities of media professionals to develop an inclusive approach to media production, the programme's online resource centre hosts the European contact database, which contains information on more than 450 media professionals in various parts of Europe. Furthermore, the resource centre provides virtual material on several topics of diversity and non-discrimination, including practical examples of media production, journalism, media training, media literacy education and editorial management.

40. The European Parliament in 2006 adopted the Declaration on tackling racism in football,[32] with the support of its 423 members. In the Declaration, the European Parliament recognized the serious incidents of racism that had occurred in football matches across Europe, noting that football players, like other workers, had the right to a racism-free working environment, as set down in the case law of the Court of Justice of the European Communities. Pursuant to article 13 of the Treaty establishing the European Community, the European Parliament, in paragraph 1 of the Declaration, strongly condemned all forms of racism at football matches, both on and off the field. It also noted that the popularity of football offered a new and continuous opportunity to tackle racism and, in paragraphs 3 and 4, called on national football associations, leagues, clubs, players' unions and supporters' groups to apply UEFA best practice, such as its 10-point plan of action, and for those with a high profile in football to speak out regularly against racism. In paragraphs 5 and 6, the European Parliament encouraged UEFA and all other competition organizers in Europe to consider imposing sanctions on national football associations and clubs whose supporters or players commit racist offences, including removal of persistent offenders from their competitions, and to ensure that referees have the option of stopping or abandoning matches in the event of serious racist abuse.

41. The European Commission against Racism and Intolerance, a subsidiary body of the Council of Europe, adopted in 2008 general policy recommendation No. 12,[33] which is focused on combating racism and racial discrimination in sports. The document contains an extensive and inclusive set of recommendations on policies to combat racism and racial discrimination in sport, to be instituted at the national level by States members of the Council of Europe. Members are encouraged, inter alia, to create national mechanisms to record racist incidents in sporting events and

[31] See http://www.coe.int/t/dg4/cultureheritage/mars/default_en.asp (accessed 21 July 2014).

[32] P6_DCL/2005/0069, available from http://www.europarl.europa.eu/sides/getDoc.do?pubRef=//EP//NONSGML+TA+P6-TA-2006-0080+0+DOC+PDF+V0//EN.

[33] CRI(2009)5, available from http://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation_N12/e-RPG%2012%20-%20A4.pdf.

ensure that legislation aimed at preventing and sanctioning racist offences in sports is effectively implemented. With regard to educational measures, it is recommended that member States promote cooperation among all relevant stakeholders, namely police, sports clubs, the media, sponsors and supporters' organizations, and with these actors, build national coalitions against racism in sport.

42. The European Union Agency for Fundamental Rights, an agency founded to provide expert advice on human rights issues and policy to the institutions of the European Union and its member States, implemented an extensive research programme on racism and related intolerance in Europe, having published a comparative report on the situation of racism, ethnic discrimination and exclusion of migrants and minorities in sports in its member States in 2010.[34] Among the suggestions put forward in the report are the strengthening of the European framework in the prevention of racist incidents in sports; educational and awareness-raising activities, in close cooperation with relevant stakeholders; and, in particular, initiatives aimed at increasing the participation in sports of women and girls from ethnic minorities. Furthermore, national and local authorities are encouraged to develop effective monitoring systems for racist incidents, and to maximize the potential role of national human rights institutions in providing support to victims. Highlighted in the report is the need for sports governing bodies to implement effective anti-racist measures in accordance with the human rights framework developed by the European Union.

43. The Organization for Security and Cooperation in Europe (OSCE) addressed the issue of racism in sport in 2012 when, in April, the Office for Democratic Institutions and Human Rights organized the Supplementary Human Dimension Meeting on Combating Racism, Intolerance and Discrimination in Society through Sport in Vienna. As described in its report,[35] participants in the meeting, which was attended by representatives of member States, international organizations and civil society, discussed the contemporary manifestations of racism, intolerance and discrimination, the monitoring and response mechanisms available at the national and international levels to prevent racist incidents, and the role of sport in the promotion of integration and equality in society. OSCE recommended that participating States encourage partnerships between national and local authorities and civil society to tackle discrimination. It also recommended that participating States increase financial support for programmes, including in sports, which foster diversity and combat discrimination.

44. The African Union has undertaken initiatives to reform and improve its mechanisms for enhancing the positive social impact of sports activities in Africa. Following the dissolution of the Supreme Council for Sports in Africa in 2012, the Executive Council of the African Union established a new architecture for sports to promote sport as a fundamental right to be enjoyed by all, and to ensure the discussion of such key issues as social development through sport and the participation of women in sports.[36] The issue of racism in sports was also addressed

[34] See European Union Agency for Fundamental Rights, *Racism, Ethnic Discrimination and Exclusion of Migrants and Minorities in Sport: A Comparative Overview of the Situation in the European Union* (Vienna, October 2010). Available from http://fra.europa.eu/sites/default/files/fra_uploads/1207-Report-racism-sport_EN.pdf.

[35] PC.SHDM.GAL/5/12, available from http://www.osce.org/odihr/91015.

[36] See http://sa.au.int/en/sites/default/files/CAMS4%20ASA%20REPORTAFTER%20DIR%20INPUT_29-09-2011_MS%20%20%20%20%20%20%20_0.pdf (accessed 21 July 2014).

during the fifth session of the African Union Conference of Ministers of Sport, held in Abidjan from 22 to 26 July 2013. The African Union Commissioner for Social Affairs, Mustapha Kaloko, referred to sport as a tool for decolonization and liberation of the continent, as well as in the fight against apartheid and all forms of racial discrimination and intolerance. He emphasized that sport had been used to support development efforts throughout the world, and that Africa should invest in sports for its potential contribution to the development and renaissance of the continent.[37]

45. With regard to regional sports federations, UEFA, in partnership with the Football against Racism in Europe (FARE) network, issued in 2003 a guide to good practice for combating racism in European football.[38] The guide is a comprehensive document which defines and identifies sources of racism in European football. It contains a summary of actions taken at the national level by some football federations and, most important, various initiatives that can be taken at the club level to combat racism. Among the initiatives prescribed, UEFA recommends that clubs be transparent, inform their supporters of its position against racism and encourage them to join the club in this effort. It also encourages clubs to prevent the sale of racist literature inside and around the stadium, to remove all racist graffiti from the ground, and to take disciplinary action against any player who engages in racial abuse.

46. In the guide, UEFA encourages all national federations to follow the German and Norwegian football federations, which developed their own plans of action to combat racism in their leagues, including the creation of national and independent campaigns and educational programmes. In 2006, UEFA toughened its disciplinary rules relating to racism and intolerance. Since then, players involved in racist incidents have been liable to suspension for up to 10 games. Moreover, racist remarks by supporters may lead to sanctions at the club level in the form of partial stadium closure for a first offence,[39] and complete closure for a repeated offence. In 2009, UEFA took another step in the fight against racism by giving referees the power to suspend a match for 10 minutes in cases of racism from the stands, and to end it in the event the infraction did not stop.[40]

3. National frameworks and initiatives

47. The Special Rapporteur wishes to highlight several positive initiatives taken by Governments and national sports federations to strengthen the national framework to combat racism and racial discrimination in sports, which have been brought to his attention. The examples are in no way exhaustive and the Special Rapporteur encourages all stakeholders to continue providing information in this regard.

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[37] http://sa.au.int/en/content/5th-session-au-commission-conference-ministers-sport-cams5-abidjan-cote-divoire-22-26-july (accessed 21 July 2014).

[38] Union of European Football Associations, *UEFA Guide to Good Practice*, available from http://www.uefa.org/MultimediaFiles/Download/uefa/UEFAMedia/258797_DOWNLOAD.pdf (accessed 21 July 2014).

[39] Ibid., *Tackling Racism in Club Football: A Guide for Clubs*, available from http://www.uefa.com/MultimediaFiles/Download/uefa/KeyTopics/448328_DOWNLOAD.pdf (accessed 21 July 2014).

[40] See http://news.bbc.co.uk/sport2/hi/football/8131082.stm.

48. The Government of Australia has incorporated into the national framework, under the Racial Discriminations Act of 1975, the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination. As indicated in a report issued by the Human Rights and Equal Opportunity Commission, racial discrimination legislation in Australia aims to ensure that people are treated equally, regardless of their race, colour, national and ethnic origin, descent, ethnic or ethno-religious background, including in sporting activities, and sports organizations may be held liable if persons representing the them, such as coaches, board members, managers or officials, behave unlawfully in the course of their duties.[41] According to the report, there has been a considerable reduction in overt racist behaviour owing in part to the development of strong social norms against openly expressing racist views.[42]

49. The Australian Human Rights and Equal Opportunity Commission is responsible for investigating alleged infringements under national law, and has developed several awareness-raising initiatives in recent years to combat the pernicious effects of racism in society, including in sports activities. The campaign entitled "Racism: It Stops with Me",[43] which is part of the national anti-racism strategy, promotes a clear understanding in the Australian community of what racism is, and how it can be prevented and combated. Australians are invited to reflect upon their own racist attitudes and to transform their behaviour. The campaign features sports personalities in pictures and short videos expressing the motto of the campaign, stimulating the public to do the same. The campaign has been supported by various national sports federations, such as the cricket federation, the football federation and the Australian Olympic Committee, as well as other national organizations, private companies and individuals in Australia.[43]

50. In the United States of America, the Patsy Mink Equal Opportunity in Education Federal Act of 1972 (Public Law No. 92-318 (23 June 1972)), which complements the Civil Rights Act of 1964 in the area of public education and federally assisted programmes, was enacted to end discrimination in various fields based on religion, race, colour or national origin; it effectively ensures that all athletes receive equivalent treatment, benefits, and opportunities in any sport financed by the Federal Government. Under the Act, an evaluation is made as to whether federally financed sports effectively comply with the equal opportunities policies based on practical grounds, such as equality in the provision of equipment and supplies; equality in scheduling of games and practice time; equality in travel and per diem allowance; equality of opportunity to receive coaching and academic tutoring; equality in the assignment and compensation of coaches and tutors; equality in the provision of locker rooms, practice and competitive facilities; equality in the provision of medical and training facilities and services; equality in provision of housing, dining facilities and services; and equality in publicity. As such, the Patsy Mink Act has been ground-breaking legislation that ensures equal access to sports for programmes that receive federal funding.[44]

[41] Australian Human Rights and Equal Opportunity Commission, *What's the Score? A Survey of Cultural Diversity and Racism in Australian Sport* (2006), p. 8. Available from https://www.humanrights.gov.au/publications/whats-score.

[42] Ibid.

[43] See http://itstopswithme.humanrights.gov.au/ (accessed 21 July 2014).

[44] See https://www.aclu.org/title-ix-gender-equity-education (accessed 21 July 2014).

51. The Special Rapporteur also welcomes the good practices and initiatives of national sports federations to prevent racism in their area of concern. In the United States of America, the Rooney Rule was established by the National Football League in 2003 to foster diversity at the management level of professional American football.[45] The rule was established to ensure that minority coaches, particularly African Americans but also other ethnic minorities, are considered for high-level coaching positions by requiring clubs to interview at least one candidate with a minority background during the process of replacing head coaches. Before the rule went into effect, the League had had only six minority coaches in more than 80 years of existence. Since the rule has been put into practice, 12 have been hired.[46] As of 2009, the Rooney Rule requirements apply to all vacancies for senior positions in American football operations within the National Football League.[47]

52. The Special Rapporteur also notes the recent measures taken by the Brazilian Football Federation to prevent racism in football games and increase the awareness of and social acceptance for all on the field and in the stands. On April 2014, the Federation launched its campaign entitled "Somos Todos Iguais" (We Are All Equal), comprising a series of actions to be taken on and off the field.[48] A smartphone application was developed to enable supporters who witnessed any act of discrimination to forward their complaints to the authorities during a match.[49] The application also features videos and texts by Brazilian athletes and sports journalists speaking up against racism and encouraging fans to do the same. With a focus on social media, supporters are encouraged to take pictures of themselves with special sports gear which is distributed prior to the game and displays anti-racist slogans. Prior to every game, the announcer briefly reads out the ethics of the campaign, while banners with anti-racist slogans are placed around the stadium.

53. The Royal Netherlands Football Association initiated the "Football for everyone" initiative, an action plan to foster acceptance in national league clubs.[50] Following research which had found that most clubs did not have specific policies for the integration of players from minority communities, the Association compiled an 11-point action plan as a first step to counter racism, discrimination and homophobia in the game. The action plan has a strong formal education emphasis; as such, the Association revised its training material and expanded the criteria for the certification of youth, amateur and professional training courses to include education on discrimination and sexual orientation. Incorporated in the action plan is an innovative measure whereby several feedback mechanisms have been created at the national level to ensure that the policies implemented are effective on the ground. For instance, the Association created confidential advisers in its district offices with a twofold objective: to act as an advisory body for clubs, providing technical assistance in project implementation; and to act as a sounding board for

[45] See http://www.nfl.com/news/story/0ap1000000128397/article/dan-rooney-the-rooney-rule-workable-can-be-tweaked.

[46] See http://espn.go.com/nfl/story/_/id/8903044/black-former-nfl-coaches-say-rooney-rule-broken.

[47] See http://sports.espn.go.com/nfl/news/story?id=4260724.

[48] See http://www.youtube.com/watch?v=9CwP8jfATvM (in Portuguese; accessed 21 July 2014).

[49] See http://www.fbf.org.br/noticias/2841,somos-iguais-campanha-da-cbf-contra-o-racismo-chega-a-bahia.html (in Portuguese; accessed 21 July 2014).

[50] See http://bin617-02.website-voetbal.nl/sites/voetbal.nl/files/Football%20for%20everyone%20action%20plan.pdf (accessed 21 July 2014).

the implementation of the action plan, providing feedback to the Association's policymakers. In addition, the Association joined efforts with the Fair Play Alliance to conduct independent research on the evolution of discrimination in Netherlands football, monitoring the impact and evolution of the initiatives undertaken. Another aim of the action plan is to expand and improve existing campaigns in sports, such as the "Towards a safer sports climate" initiative, which incorporates the issue of discrimination in its informative activities and workshops.[51]

54. The National Hockey League (NHL), composed of United States and Canadian teams in North America, initiated its Diversity project which provides the opportunity for young people to experience the game of hockey, irrespective of cultural, economic or racial background.[52] Among its other activities, the Willie O'Ree All-Star Game is an annual celebration of the multicultural heritage of the League, with boys and girls representing NHL diversity programmes from across North America interacting with NHL players and attending an NHL game.[53]

D. Civil society initiatives to counter racism, xenophobia, discrimination and other related hate speech in amateur and professional sports

55. The Special Rapporteur wishes to highlight a number of positive initiatives undertaken by civil society organizations in raising awareness of racism and discrimination in sports, and in combating such forms of intolerance.

56. Football against Racism in Europe (FARE),[54] created in 1996, is a network of non-governmental organizations, amateur groups and supporter clubs in Europe, Africa and the Americas, and is committed to combating discrimination in football. The network works to advance the social inclusion of marginalized and disenfranchised groups and to engage policymakers, key players and governing bodies in the anti-discrimination movement. The "Football People Action Week" is an annual international campaign organized locally by members of the FARE network. It was developed to increase public awareness of discrimination in football, create a united front by bringing together all of football's stakeholders, and develop ideas and new practices that challenge exclusion.[55] The FARE network also supports Mondiali Antirazzisti (Anti-racist World Cup), a non-competitive international championship held every year in Italy and attended by teams and organizations from several countries.[56]

57. The Special Rapporteur was also made aware of the efforts initiated by the United Kingdom-based educational charity, Show Racism the Red Card, established in January 1996.[57] The charity presents an anti-racist message to youth by developing activities that encourage them to challenge racism in daily life. Among its several initiatives, it spreads messages by attaching anti-racist phrases to the image of well-known athletes and sports personalities in media campaigns. The

[51] See http://english.knvb.nl/whatwedo/respect (accessed 21 July 2014).
[52] See http://www.nhl.com/nhlhq/community/diversity.html (accessed 21 July 2014).
[53] See http://usatoday30.usatoday.com/sports/hockey/nhl/2008-01-14-cover-oree_N.htm.
[54] See http://www.farenet.org/ (accessed 21 July 2014).
[55] See http://www.farenet.org/campaigns/football-people-action-weeks/ (accessed 21 July 2014).
[56] See http://www.farenet.org/campaigns/mondiali-antirazzisti/ (accessed 21 July 2014).
[57] See http://www.srtrc.org/ (accessed 21 July 2014).

charity also holds workshops for players, coaches and referees to educate them on how to deal with racism on the field and in stands, using real-life scenarios taken from practical experience. The workshops explore the responses of the stakeholders in such situations with a view to controlling and minimizing racist incidents.

58. Similarly, the Never Again Association aims to raise awareness of the issue of racism and xenophobia, and to build a broad and inclusive movement against racism and discrimination in Poland.[58] In partnership with UEFA, the Association has implemented several educational and awareness-raising activities during regional football championships in Poland and Ukraine.[59] In addition, in cooperation with UEFA and the Football against Racism in Europe (FARE) network, the Association has set up the East Europe Monitoring Centre to collect data on racist incidents that occur during football matches in the region.[60]

59. The Special Rapporteur was also informed of the initiatives undertaken by the International League against Racism and Anti-Semitism, based in France, which has partnered with football clubs in the first and second divisions of the French football league to run anti-discrimination activities.[61] The League has developed and produced a mobile application that allows supporters to identify and denounce racist or anti-Semitic acts during football games.[62] It also provides support to youth tournaments that combine sports activities with seminars and workshops on racism.[63]

IV. Conclusions and recommendations

60. **The Special Rapporteur welcomes the numerous initiatives and frameworks adopted by international and regional organizations and sports federations, national sports federations, Governments and civil society to prevent and combat racism, racial hatred, xenophobia, racial discrimination and related intolerance in sports. Notwithstanding the progress made by the initiatives undertaken at several levels, racism in sports has proved to be a resilient and complex problem with different manifestations. Racism and discrimination in sports go beyond utterances, and include discrimination in access to sports by racial and ethnic groups. In this respect, the Special Rapporteur recommends to all stakeholders that they continue to support existing initiatives while creating environments that foster the debate on racism and intolerance, and continue to raise awareness of existing patterns of discrimination. It is important that all stakeholders integrate their efforts to expand these positive initiatives so as to counterbalance the pernicious effects of racism and discrimination in sports.**

[58] See http://www.nigdywiecej.org/303-78 (accessed 24 July 2014).

[59] See http://www.nigdywiecej.org/images/czytelnia/ang/Respect_Diversity_Project_Report.pdf (accessed 24 July 2014).

[60] See http://www.nigdywiecej.org/media/pdf/HATEFUL_-_Eastern_Europe_Monitoring%20Report.pdf (accessed 24 July 2014).

[61] See http://licra.org/fr/commission/lutte-contre-racisme-dans-sport-licra-s%E2%80%99associe-aux-semaines-fare (in French; accessed 21 July 2014).

[62] See http://www.farenet.org/news/french-professional-clubs-highlight-anti-racist-mobile-app/ (accessed 21 July 2014).

[63] http://licra.org/fr/nos-campagnes (in French; accessed 21 July 2014).

61. The Special Rapporteur recalls general recommendation No. 35 of the Committee on the Elimination of Racial Discrimination, in which the Committee highlighted the role of teaching, education, culture and information in the promotion of inter-ethnic understanding and tolerance, guaranteed under article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/GC/35 and Corr. 1, para. 30). In this regard, the Special Rapporteur refers to his report on the role of education in preventing racism (A/HRC/23/56) and reaffirms that education continues to be an effective antidote to deep-rooted racism and discrimination, including its manifestations in sports. The Special Rapporteur also refers to the resolutions adopted by the General Assembly, in which the potential of sport is recognized as a universal language contributing to the education of people on the values of diversity, tolerance and fairness and as a means to combat racism, racial discrimination, xenophobia and related intolerance, and encourages States to use the unique educational potential of sports to combat manifestations of racism, racial discrimination, xenophobia and related intolerance.

62. The Special Rapporteur expresses concern that national legislation and legal frameworks in some States do not provide sanctions for the propagators of racism and discrimination at sporting events. The Special Rapporteur encourages all States to incorporate into their national legislation international and regional norms and standards in order to appropriately and effectively strengthen their domestic system to prevent and combat racism and discrimination in sports.

63. The economic primacy of football over other sports in certain parts of the world, particularly in Europe, as well as the wide media coverage enjoyed by football overall, seems to have placed this particular sport in a spotlight in the debate on racism and discrimination in sports. As such, many of the legal frameworks and policies discussed in the present report have been initiated by football sports federations. In this regard, the Special Rapporteur expresses concern that measures for the prevention of racism, racial hatred, xenophobia or any other form of discrimination are not as equally developed in other sports. Successful practices and policies should be extended to all sports, individual and team, including those with less economic power and visibility in the media. The Special Rapporteur is also concerned that while racial and religious discrimination is condemned in the regulations of many sports federations, there are no established comprehensive disciplinary mechanisms and enforceable measures to prevent and sanction acts of racism and related intolerance in their activities. International, regional and national sports federations are encouraged to review and expand their practices with regard to combating racism and discrimination, in particular those related to education of athletes and supporters.

64. The Special Rapporteur is of the opinion that policies and initiatives to combat racism and discrimination are more effective when combined with reliable data about the occurrence, location and content of such incidents. As such, he encourages States to implement reliable and accessible monitoring systems for the cataloguing of racist, homophobic, sexist and other related incidents in sports.

65. Furthermore, the Special Rapporteur reminds States of the previous recommendations of former mandate holders, in particular those concerning the need to demonstrate greater commitment in fighting racism in sport; adopt preventative, educational and awareness-raising measures; and condemn the perpetrators of racist incidents, in cooperation with national, regional and international sports organizations.

66. Finally, in view of the continued phenomenon and manifestations of racism in sports, international and regional organizations as well as international, regional and national sports bodies need to continue their collaboration. The Special Rapporteur considers that sports authorities and associations should be inspired by some of the positive initiatives highlighted in the present report and draw upon these good practices to develop their own frameworks or action plans to fight against racism and other forms of discrimination in their respective sports.

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Item 35 of the provisional agenda*
The situation in the Middle East

The situation in the Middle East

Report of the Secretary-General

Summary

The present report contains replies received from Member States in response to the note verbale by the Secretary-General of 8 May 2014 concerning implementation of the relevant provisions of General Assembly resolutions 68/16, entitled "Jerusalem", and 68/17, entitled "The Syrian Golan".

* A/69/150.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolutions 68/16 and 68/17. In its resolution 68/16 of 26 November 2013, the Assembly stressed that a comprehensive, just and lasting solution to the question of the city of Jerusalem should take into account the legitimate concerns of both the Palestinian and Israeli sides and should include internationally guaranteed provisions to ensure the freedom of religion and of conscience of its inhabitants, as well as permanent, free and unhindered access to the holy places by the people of all religions and nationalities. In its resolution 68/17 of 26 November 2013, which deals with Israeli policies in the Syrian territory occupied by Israel since 1967, the Assembly demanded once more that Israel withdraw from all the occupied Syrian Golan to the line of 4 June 1967 in implementation of the relevant Security Council resolutions.

2. On 8 May, in order to fulfil my reporting responsibility under resolutions 68/16 and 68/17, I addressed notes verbales to the Permanent Representative of Israel and the Permanent Representatives of other Member States requesting them to inform me of any steps their Governments had taken or envisaged taking concerning the implementation of the relevant provisions of those resolutions. As at 11 August 2014, three replies had been received from Cuba, Mexico and the Syrian Arab Republic. These replies are reproduced in section II of the present report.

II. Replies received from Member States

Cuba

[Original: Spanish]
[6 June 2014]

Cuba fully supports General Assembly resolution 68/16, entitled "Jerusalem", and calls on all States Members of the United Nations to implement it promptly and rigorously.

Our country reaffirms its support for and solidarity with the Palestinian people, who for over 45 years have suffered under the brutal military occupation of their lands and have had their fundamental human rights denied, including the right to self-determination.

Cuba strongly condemns Israel's continued military occupation of the Palestinian territory; Israel's illegal policies and colonization practices in the Occupied Palestinian Territory, including East Jerusalem; human rights violations; and systematic war crimes that are causing the Palestinian people immense suffering.

The critical security, political, economic, social and humanitarian conditions in the Occupied Palestinian Territory, including East Jerusalem, caused by the continuing Israeli military occupation and the illegal actions and provocations against the Palestinian people and its lands are unacceptable and of deep concern.

From July 2013 to the present date, Israel has declared that it plans to build over 13,000 settlement units, in addition to the thousands of housing units that are currently being built. Such action highlights Israel's expansionist policy and total disrespect for international law.

Our country expresses its deep concern at the situation in occupied East Jerusalem, where the Israeli colonization campaign is most intense, aimed at illegally altering the city's demographic composition, character and legal status.

The construction of settlements in the Occupied Palestinian Territory, in and around East Jerusalem, is a flagrant violation of international law carried out in open defiance of United Nations resolutions and the advisory opinion issued by the International Court of Justice on 9 July 2004.

Our country is particularly concerned at Israel's attempts to illegally and forcibly reassert its control over the Haram al-Sharif and the Al-Aqsa Mosque. Those acts of provocation and incitement have further exacerbated religious sensitivities.

We demand an immediate end to the construction and expansion of settlements and of the wall; to the transfer of more settlers, home demolitions, the intensification of land confiscations, evictions and excavations in the old city of Jerusalem, including its religious sites and its surroundings; to the displacement of the Palestinian civilian population; to the imposition of arbitrary and racist residency requirements; and to all other measures aimed at ridding the city of its Palestinian inhabitants and bringing about the illegal annexation of East Jerusalem by Israel.

The Non-Aligned Movement has expressed alarm at the increase in acts of aggression in occupied East Jerusalem, particularly around the Haram al-Sharif and the Al-Aqsa Mosque as a result of acts of provocation by Israeli extremists. The flagrant disrespect for that holy place and for worshippers, and the constant threat of new incursions, constitute serious acts of incitement that inflame religious sensitivities and tension, which is already high.

The Movement has repeatedly drawn the attention of the Security Council to those serious issues, which endanger international peace and security. It has called for measures to halt Israel's incitement and provocations, and stressed the need to respect the sacrosanct nature of the holy sites and the rights and access of Muslim and Christian worshippers, including Palestinians, in the city.

We emphasize the importance of East Jerusalem as an integral part of the Palestinian territory occupied in 1967. We reaffirm that its illegal annexation by Israel, which has never been recognized by the international community, remains null and void. The same is true of Israel's measures aimed at altering the legal, geographic and demographic character and status of Jerusalem and of the Occupied Palestinian Territory.

Cuba joins the Movement, the Committee on the Exercise of the Inalienable Rights of the Palestinian People and other entities in their collective appeal to the international community to demand that Israel comply with its obligations under the Fourth Geneva Convention and the United Nations resolutions concerning Jerusalem.

We emphasize the need to give political, economic and humanitarian support to the Palestinian people in order to help it to fulfil its legitimate national aspirations, including the inalienable right to self-determination and freedom in its own independent State of Palestine, with East Jerusalem as its capital.

Cuba fully supports General Assembly resolution 68/17, entitled "The Syrian Golan", and calls on all States Members of the United Nations to implement it promptly and rigorously.

Israel must withdraw immediately from all the occupied Syrian Golan to the line of 4 June 1967, in implementation of the relevant General Assembly and Security Council resolutions, and end its unbridled efforts to seize the Golan from the Syrian Arab Republic.

Cuba reiterates the fundamental principle that, based on international law and the Charter of the United Nations, the acquisition of territory by force is inadmissible. It is unacceptable that the Syrian Golan, which has been occupied since 1967, remains under Israeli military occupation.

The decision taken by Israel on 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void, as confirmed by Security Council resolution 497 (1981). Any legislative and administrative measures or actions taken or to be taken by Israel that purport to alter the legal status, physical nature or demographic composition of the occupied Syrian Golan or its institutional structure, as well as the Israeli measures to apply its jurisdiction and administration there, are also null and void, and have no legal effect.

Cuba condemns the settlement policies implemented in the occupied Syrian Golan by the Government of Israel, which has ignored international law, international conventions and the Charter and resolutions of the United Nations. The most recent of those resolutions are General Assembly resolution 68/17, which stresses the illegality of Israeli settlement construction and other activities in the occupied Syrian Golan, and General Assembly resolution 68/84, which calls upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and in particular to desist from the establishment of settlements.

Israel remains impervious to the internationally recognized resolutions, the calls made in international forums by States across the world for an end to the occupation, and the condemnation of its flagrant violations of all international conventions. Israel has persisted in its practices in the occupied Syrian Golan. It has illegally seized land and resources, built settlements and expanded in other ways, not to mention exploiting natural resources in violation of the principle that peoples under occupation have permanent sovereignty over their natural resources.

The international community must assume its responsibility under international law and United Nations resolutions by preventing Israel from persisting in its repeated violations, which include looting the natural resources of the occupied Syrian Golan.

Cuba strongly condemns the brutal Israeli practices perpetrated in the prisons established during the occupation and reiterates its grave concern at the inhuman conditions of the Syrian detainees in the occupied Syrian Golan, which have led to the deterioration of their physical health and put their lives at risk, in blatant violation of international humanitarian law.

We demand that Israel comply immediately and unconditionally with the provisions of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 and apply them to the situation of the Syrian detainees in the occupied Syrian Golan.

The Non-Aligned Movement has condemned all measures adopted by Israel, the occupying Power, to alter the legal, physical and demographic status of the

occupied Syrian Golan, measures that have intensified since the outbreak of the Syrian crisis. It has reiterated its demand that Israel comply with Security Council resolution 497 (1981) and withdraw fully from the occupied Syrian Golan to the lines of 4 June 1967, in implementation of Security Council resolutions 242 (1967) and 338 (1973).

Cuba reaffirms its unconditional support for and solidarity with the legitimate demand and right of the Syrian Arab Republic to restore its full sovereignty over the occupied Syrian Golan.

The continued Israeli occupation of the Syrian Golan and its de facto annexation constitute a stumbling block in the way of achieving a just, comprehensive and lasting peace in the region.

Mexico

[Original: Spanish]
[7 July 2014]

With regard to General Assembly resolution 68/16 on Jerusalem, Mexico supports a comprehensive solution to the Middle East conflict based on the existence of two States, Israel and Palestine, coexisting side by side within secure and internationally recognized borders in accordance with international law.

With regard to General Assembly resolution 68/17 on the Syrian Golan, the Government of Mexico has emphatically rejected the continued expansion of Israeli settlements in the occupied Palestinian territories and the territory of the Syrian Golan. It has therefore called on the Government of Israel to revoke such measures and avoid such actions as evictions and the demolition of Palestinian homes in the occupied Palestinian territories, including East Jerusalem. Mexico considers that those actions are contrary to international law and to not help to create a climate conducive to the negotiation process between the two parties.

Syrian Arab Republic

[Original: Arabic]
[6 June 2014]

Since the Israeli occupation of the Syrian Golan in 1967, the international community has consistently maintained its rejection of that occupation, demanding that Israeli forces should be withdrawn from all of the occupied Syrian Golan. The General Assembly, in its resolution 68/17, reiterated its deep concern that Israel had not withdrawn from the occupied Syrian Golan, contrary to the relevant Security Council and General Assembly resolutions. It demanded that Israel withdraw from all of the occupied Syrian Golan to the line of 4 June 1967, in implementation of the relevant Security Council resolutions. In that same resolution, the Assembly also declared that the Israeli decision of 14 December 1981 to impose its laws, jurisdiction and administration on the Syrian Golan was null and void and had no validity whatsoever, as confirmed by the Security Council in its resolution 497 (1981).

After 48 years of that occupation and despite the demands set out in the United Nations resolutions that it should end its occupation of the Syrian Golan, its unremitting repressive practices and its blatant violations of all international

covenants and norms, Israel continues to turn a blind eye to the position of the international community. In the absence of a deterrent, it persists in pursuing its hostile and illegal practice and in ignoring international and United Nations resolutions, knowing that it will not be held accountable thanks to the protection offered by certain members of the Security Council.

The Syrian Arab Republic has consistently stated that the realization of a just and comprehensive peace in the Middle East requires the implementation of the United Nations resolutions aimed at ending the Israeli occupation of the Syrian Golan and other Arab territories, the most important of which is Security Council resolution 497 (1981). It has also insisted that the relevant international resolutions, in particular Security Council resolutions 242 (1967) and 338 (1973), should be implemented fully and that the principle of land for peace, which was the basis of the Madrid peace process that was started in 1994, should be respected. President Bashar al-Assad has affirmed that position on more than one occasion. It is regrettable that the international community chooses to ignore the conduct of Israel, which is a colonial entity founded on occupation and expansion that does not care for peace. Israel has committed acts of aggression against States of the region, repeatedly violated international law and the Charter of the United Nations, and responded to all peace initiatives with evasiveness and a plethora of excuses, in an attempt to consolidate its occupation.

Israel is no longer satisfied with occupation and hostile actions, but rather has stepped its aggressive and provocative actions by providing logistical support to terrorists and through directly military interventions on more than one occasion in the territory of the Syrian Arab Republic in support of terrorists, as was the case a few months ago when it shelled a school and a mosque in the village of Hamidiyah in the Syrian Golan, in a flagrant and grave violation of international law and the Disengagement of Forces Agreement.

The Government of the Syrian Arab Republic denounces the settlement policies enacted in the occupied Syrian Golan by the Israeli Government, paying no heed to the relevant Security Council, General Assembly and Human Rights Council resolutions, the most recent of which was Human Rights Council resolution 25/31 of 28 March 2014, which stresses the illegality of Israeli settlement construction and other activities in the occupied Syrian Golan and calls on Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and, in particular, to desist from the establishment of settlements, and called on Israel to desist from its continuous building of settlements.

The Government of the Syrian Arab Republic condemns all Israeli practices and actions aimed at controlling and plundering the resources of the Syrian Golan, in flagrant contravention of the principles that peoples under occupation have permanent sovereignty over their national resources, and in stark violation of Security Council resolution 497 (1981) and the General Assembly resolution 68/235, entitled "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources". Israel continues to deplete the natural resources of the occupied Syrian Golan and deprive the territory's population of the ability to enjoy the benefit of its, including water. The Israeli occupation authorities deliberately waste those resources or allow only Israeli

settlers to utilize them. Israel is also razing territory adjacent to the ceasefire line in the occupied Syrian Golan and uprooting trees. In that connection, we should like to recall that the Israeli occupation authorities drained Lake Mas'adah in the occupied Syrian Golan and diverted its waters to settler farms. This action by Israel, which contravenes international law and the Fourth Geneva Convention of 1949, created an enormous economic and environmental catastrophe for the Syrian citizens of the occupied Syrian Golan, who suffered material damages estimated at $20 million. The Government of the Syrian Arab Republic also warns of the threat posed by the Israeli authorities' plans to drill for oil in the occupied Syrian Golan. Reports from various sources indicate that the Israeli Ministry of Energy has granted a license to the United States company Genie Energy Ltd. to drill for oil in the occupied Syrian Golan, in flagrant violation of international law and United Nations resolutions.

The Government of the Syrian Arab Republic once again calls on the States Members of the United Nations to refuse to import natural products taken from the occupied territories or produced there, in order to comply with international law and emphasize the need for Israel to respect that law. Information indicates that settlers in the occupied Syrian Golan are exporting wine to the European Union that is labelled "Made in Israel".

The Government of the Syrian Arab Republic reaffirms its request to the Secretary-General, the United Nations High Commissioner for Human Rights, the President of the Human Rights Council and the President of the International Committee of the Red Cross to bring pressure to bear on Israel to ensure that the Syrian prisoners detained in its jails are held in more humane health conditions. In that connection, it expresses its rejection of the sham trials of those prisoners. The Syrian Arab Republic calls on those international bodies to condemn strongly the arbitrary and inhumane conditions imposed by the Israeli occupation authorities on Majid al-Sha'ir and other prisoners and to call on the Israeli occupation authorities to release them. Those authorities have prevented certain members of their families from visiting them, citing spurious pretexts. The Syrian Arab Republic also condemns the detention of a number of youths and the summoning of others for questioning by the Israeli occupation authorities.

The Government of the Syrian Arab Republic also emphasizes its requests to the above-mentioned international bodies to bring pressure to bear on Israel to cease taking unjust decisions preventing citizens in the occupied Syrian Golan from visiting their homeland, The Syrian Arab Republic, through the Qunaitra crossing. Those arbitrary Israeli practices contravene the Geneva Conventions and all international humanitarian instruments and norms. They serve only to inflict material, mental and physical suffering on Syrian citizens in the occupied Syrian Golan and exceed all legal and moral bounds.

The Government of the Syrian Arab Republic emphasizes that, in order to ensure stability in the Middle East and preserve credibility of the United Nations, measures must be taken to implement all international resolutions, without bias or selectivity, aimed at ending the Israeli occupation of Arab territories and to apply the Geneva Conventions in order to bring pressure to bear on Israel, the occupying Power, to comply with the will of the international community, as expressed in numerous resolutions.

Similarly, the Syrian Arab Republic emphasizes its support for General Assembly resolution 68/16 entitled "Jerusalem", and calls on the international

community to bring pressure to bear on Israel to end its attempts to Judaize Jerusalem and revoke all of its baseless legislative and administrative measures aimed at changing the city's status and identity. It also calls for serious and effective measures to be taken to end Israel's unlawful practices that undermine the city's holy sites. In order to achieve just and comprehensive peace, Israel must be made to withdraw from all occupied Arab territory to the line of 4 June 1967 and the Palestinian State, with Jerusalem as its capital, must be established.

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Right of peoples to self-determination

Right of peoples to self-determination

Report of the Secretary-General

Summary

In its resolution 68/153, the General Assembly requested the Secretary-General to report to the Assembly at its sixty-ninth session on the universal realization of the right of peoples to self-determination. The present report is submitted in accordance with that request.

The report outlines the relevant jurisprudence of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights on the treaty-based human rights norms relating to the realization of the right of peoples to self-determination. It also provides a summary of the developments relating to the consideration by the Human Rights Council of the subject matter, including by its special procedures. The report further summarizes relevant information on the right to self-determination as contained in the report of the Secretary-General to the Security Council on the situation concerning Western Sahara.

* A/69/150.

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I. Introduction

1. The General Assembly, in its resolution 68/153, reaffirmed the importance of the universal realization of the right of peoples to self-determination for the effective guarantee and observance of human rights. The Assembly welcomed the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence.

2. The present report is submitted in accordance with paragraph 5 of resolution 68/153, in which the General Assembly requested the Human Rights Council to continue to give special attention to violations of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation; and with paragraph 6, in which the Assembly requested the Secretary-General to report on the question at its sixty-ninth session.

3. The report provides a summary of the main developments relating to the realization of the right to self-determination within the framework of the activities of the United Nations human rights mechanisms since the submission of the last report (A/68/318). That includes the concluding observations of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, based on their consideration of the periodic reports submitted by the States parties to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in respect of the implementation of the right to self-determination guaranteed in common article 1 of the two Covenants.

4. The report also incorporates the consideration of the question by the Human Rights Council, including observations made in reports submitted to the Council by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 and the Special Rapporteur on the rights of indigenous peoples. Finally, it summarizes the main observations relating to the right to self-determination made by the Secretary-General in his latest report to the Security Council concerning the situation in Western Sahara (S/2014/258).

II. Human Rights Committee and Committee on Economic, Social and Cultural Rights

5. Article 1, paragraph 1, of both the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights affirms the right of all peoples to self-determination. Article 1, paragraph 2, of the two Covenants affirms a particular aspect of the economic content of this right, namely the right of peoples, for their own ends, to "freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law." It further states that "in no case may a people be deprived of its own means of subsistence". Article 1, paragraph 3, of the two Covenants imposes upon States parties, including those having responsibility for the administration of non-self-governing and trust territories, the obligation to promote the realization of the right to self-determination and to respect it, in conformity with the provisions of the Charter of the United Nations, in particular with article 1, paragraph 2.

6. The right to self-determination has been addressed by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in their consideration of the periodic reports of States parties, submitted under article 40 of the International Covenant on Civil and Political Rights and articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights. The relevant concluding observations adopted during the period under review are highlighted below.

A. Concluding observations by the Human Rights Committee

7. During the reporting period, at its 108th, 109th and 110th sessions, the Human Rights Committee addressed several issues related to the right to self-determination of indigenous peoples in the Plurinational State of Bolivia, Finland and the United States of America.

8. In its concluding observations on the report of the Plurinational State of Bolivia, the Committee welcomed the preliminary framework bill on consultation with indigenous peoples mentioned by the State party, but was concerned by information to the effect that, in relation to extractive projects, the preliminary bill provided only for consultation with the peoples affected, but not their free, prior and informed consent. The Committee was also concerned at reports of tensions in the Isiboro-Secure National Park and Indigenous Territory caused by a road-building project that did not have the support of all the communities concerned. The Committee recommended that the free, prior and informed consent of the indigenous communities be sought when decisions were to be taken concerning projects that had a bearing on their rights and that, in particular, all the indigenous communities concerned should take part in the consultation process and their views duly taken into account. The Committee also recommended that the State party ensure that the free, prior and informed consent of indigenous communities was obtained through representative institutions before any measures were adopted that would substantially jeopardize or interfere with culturally significant economic activities of those communities (CCPR/C/BOL/CO/3, para. 25).

9. In its concluding observations on Finland, the Committee expressed its concern that the Sami people lacked participation and decision-making powers over matters of fundamental importance to their culture and way of life, including rights to land and resources. The Committee advised Finland to advance the implementation of the rights of the Sami by strengthening the decision-making powers of Sami representative institutions, such as the Sami parliament and to increase its efforts to revise its legislation to guarantee fully the rights of the Sami people in their traditional land, ensuring respect for the right of Sami communities to engage in free, prior and informed participation in policy and development processes that affected them (CCPR/C/FIN/CO/6, para. 16).

10. In its concluding observations on the report of the United States of America, the Committee was concerned about the restriction of access of indigenous peoples to sacred areas that are essential for the preservation of their religious, cultural and spiritual practices and the insufficiency of consultation with indigenous peoples on matters of interest to their communities. The Committee asked the State party to adopt measures to effectively protect sacred areas of indigenous peoples and ensure that consultations were held with the indigenous communities that might be

adversely affected by the development projects of the State party and the exploitation of natural resources, with a view to obtaining their free, prior and informed consent for proposed project activities (CCPR/C/USA/CO/4, para. 25).

B. Concluding observations by the Committee on Economic, Social and Cultural Rights

11. During its fifty-first and fifty-second sessions, the Committee on Economic, Social and Cultural Rights addressed relevant aspects of the right to self-determination in its concluding observations on China, El Salvador, Gabon and Indonesia with respect to the rights of indigenous peoples.

12. In its concluding observations on the report of China, the Committee was concerned about the resettlements of nomadic herdsmen in the "new socialist villages" carried out in the State party without proper consultation and in most cases without the free, prior and informed consent of those concerned, particularly in the western provinces and autonomous regions. It urged China to take all necessary measures to immediately halt non-voluntary resettlements of nomadic herders from their traditional lands and non-voluntary relocation or rehousing programmes of other rural residents and recommended meaningful consultations with the affected communities in order to examine and evaluate all available options (E/C.12/CHN/CO/2, para. 31).

13. In its concluding observations on the report of El Salvador, the Committee welcomed the constitutional reform approved by the Congress which provided for legal recognition of indigenous peoples, but expressed concern at the lack of knowledge of the number of indigenous persons in the country. The Committee urged the Congress to ratify the constitutional reform and urged El Salvador to conduct a census of the indigenous population (E/C.12/SLV/CO/3-5, para. 7).

14. In its concluding observations on the report of Gabon, the Committee regretted the absence of a specific regulatory or legislative framework that would make it possible to systematize practice in implementing the right to prior informed consultation of indigenous peoples in decision-making processes concerning the exploitation of natural resources in traditional territories. It recommended that the State party ensure the effective and systematic application of the principle of prior consultation in discussions with indigenous peoples, providing the time and space necessary for reflection and decision-making and allowing free expression, as well as respecting their consent to the realization of a project (E/C.12/GAB/CO/1, para. 6).

15. In its concluding observations on Indonesia, the Committee expressed concern at the absence of an effective legal protection framework of the rights of the indigenous peoples (*Masyarakat Hukum Adat*), due to inconsistencies in relevant legislative provisions. It urged the State party to expedite the adoption of the draft law on the rights of the indigenous peoples, ensuring that it effectively guaranteed their inalienable right to own, develop, control and use their customary lands and resources and defined mechanisms for ensuring the respect of their free, prior and informed consent on decisions affecting them and their resources, as well as adequate compensation and effective remedies in case of violation (E/C.12/IDN/CO/1, para. 38).

III. Human Rights Council

A. Resolutions

16. At its twenty-fourth session, held from 9 to 27 September 2013, the Human Rights Council adopted resolution 24/13 on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. The Human Rights Council urged all States to take the necessary steps and exercise the utmost vigilance against the threat posed by the activities of mercenaries, and take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, were not used for the recruitment, assembly, financing, training, protection and transit of mercenaries for the planning of activities designed to impede the right to self-determination, to overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination.

17. At its twenty-fifth session, held from 3 to 28 March 2014, the Human Rights Council considered the question of the realization of the right of peoples to self-determination under agenda item 7 and adopted resolution 25/27 on the right of the Palestinian people to self-determination. The Council reaffirmed the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity, and to establish their sovereign, independent, democratic and viable contiguous State. The Council confirmed that the right of the Palestinian people to permanent sovereignty over their natural wealth and resources must be used in the interest of their national development, the well-being of the Palestinian people and as part of the realization of their right to self-determination and urged all Member States and relevant bodies of the United Nations system to support and assist the Palestinian people in the early realization of their right to self-determination.

B. Special procedures

18. In his report to the twenty-fifth session of the Human Rights Council, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 addressed the Israeli settlements in the West Bank, including East Jerusalem, and the wall in the context of the tenth anniversary of the advisory opinion of the International Court of Justice on the Legality of the Construction of a Wall in the Occupied Palestinian Territory. Regarding the advisory opinion, he stated that it was time to examine what legitimate action by the international community could be taken to achieve compliance with international law, as set out by the International Court of Justice, and called on the United Nations to take action that would seek to protect the rights of the Palestinian people bearing on the sanctity of their territory and its relation to the underlying right of self-determination (A/HRC/25/67, para. 21).

19. The Special Rapporteur further considered the policies and practices of Israel in occupied Palestine in the light of the international prohibition of ethnic discrimination, segregation and apartheid. He concluded that through prolonged occupation, with practices and policies which appear to constitute apartheid and

segregation, ongoing expansion of settlements and continual construction of the wall, arguably amounting to de facto annexation of parts of the occupied Palestinian territory, the denial by Israel of the right to self-determination of the Palestinian people is evident (ibid., para. 78).

20. The Special Rapporteur recommended that Palestinian legal rights, including the right of self-determination, be fully respected and implemented in attempts to reach a peaceful and just resolution of the conflict. He further recommended that the Human Rights Council appoint an expert group to propose a special protocol to the Fourth Geneva Convention with the specific purpose of proposing a legal regime for any occupation that lasts for more than five years (ibid., para. 81).

21. In his report to the twenty-fourth session of the Human Rights Council, the Special Rapporteur on the rights of indigenous peoples addressed the right of self-determination of indigenous peoples in the context of the extractive industries (A/HRC/24/41). He observed that the prevailing business model in most places for the extraction of natural resources within indigenous territories, in which an outside company with backing by the State, control and profits from the extractive operation, was not one that was fully conducive to the fulfilment of the rights of indigenous peoples, particularly their self-determination and proprietary and cultural rights in relation to the affected lands and resources (ibid., para. 4). He stated that new business models for the extraction of natural resources needed to be examined and developed, and added that in some cases indigenous peoples were establishing and implementing their own enterprises to extract and develop natural resources. He considered that the alternative of indigenous-controlled resource extraction, by its very nature, was more conducive to the exercise of the right of indigenous peoples to self-determination, lands and resources, culturally appropriate development and related rights, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples and other international sources of authority (ibid., para. 8).

22. The Special Rapporteur recalled that in the Declaration it states that "indigenous peoples have the right to determine priorities and strategies for the development or use of their lands and territories" (article 32, para. 1), as part of their right to self-determination. That right necessarily implies a right of indigenous peoples to pursue their own initiatives for resource extraction within their territories if they so choose. Nevertheless, according to the Special Rapporteur, even resource extraction by their own enterprises may pose certain risks to the enjoyment of human rights for the members of indigenous communities, particularly in relation to the natural environment. Experience showed, however, that those risks could be minimized and the enjoyment of self-determination and related rights enhanced, when indigenous peoples freely chose to develop their own resource extraction enterprises backed by adequate capacity and internal governance institutions (A/HRC/24/41, para. 11).

23. The Special Rapporteur further observed that, just as indigenous peoples had the right to pursue their own initiatives for resource extraction, as part of their right to self-determination and to set their own strategies for development, they also had the right to decline to pursue such initiatives in favour of other initiatives for their sustainable development, and they should be supported in such other pursuits as well (ibid., para. 82).

24. Finally, the Special Rapporteur recalled that the free, prior and informed consent of indigenous peoples was required, as a general rule, when extractive

activities were carried out within their territories and as a safeguard for their internationally recognized rights. Indigenous consent might also be required when extractive activities otherwise affected indigenous peoples, depending on the nature of the activities and their potential impact on the exercise of those rights (ibid., paras. 84 and 85).

IV. Security Council

The situation concerning Western Sahara

25. Further to Security Council resolution 2099 (2013), the Secretary-General provided a report to the Security Council on the situation in Western Sahara (S/2014/258). In the report he recalled recent developments in Western Sahara, where the situation during the reporting period remained generally calm. There were, however, some sporadic demonstrations aimed at drawing attention to human rights concerns, socioeconomic issues and political demands, including the right to self-determination.

26. In the report reference was made to violations of civil and political rights, and it was noted that the United Nations continued to receive communications alleging abuses of such rights in Western Sahara, west of the berm, as well as in the refugee camps, particularly in the form of restrictions on freedoms (ibid., paras. 78 and 83). Also mentioned were existing concerns about the exploitation of natural resources in the part of the territory under Moroccan control and in the territorial waters adjacent to Western Sahara (ibid., paras. 11 and 12). In this regard, it was stated in the report that it would be timely to call upon all relevant actors to recognize the principle that the interests of the inhabitants of these territories are paramount, in accordance with article 73 of the Charter of the United Nations (ibid., para. 97).

27. The report also included an account of the activities of the Personal Envoy of the Secretary-General for Western Sahara, who had decided to engage in bilateral consultations with the parties and neighbouring States in 2013, to gauge whether the parties were prepared to be flexible in developing the elements of a compromise solution and how the neighbouring States could be of assistance. In this regard, the Personal Envoy of the Secretary-General had undertaken three rounds of consultations with the parties and neighbouring States, during which he made clear that discussions would have to address the substance of a mutually acceptable political solution and the means by which the people of Western Sahara would exercise self-determination.

28. During the period from November 2013 to March 2014, the Personal Envoy of the Secretary-General initiated a new series of consultations with members of the Group of Friends of Western Sahara, visiting successively Washington, D.C., Paris and Madrid. In those consultations, he sought the renewed support of interlocutors for his new approach and for his emphasis on the need for the parties to address both the substance of a mutually acceptable political solution and the means of exercising self-determination, for which interlocutors in all three capitals expressed their support. He also requested that the members of the Group join him in impressing upon the parties the need for flexibility in the search for a compromise.

29. In the conclusions of his report, the Secretary-General called upon the parties to recognize the need for urgent progress and to engage seriously on the two core

issues under the guidance of the Security Council: the content of a political solution and the form of self-determination. He further asked that the international community, and in particular the neighbouring States and the members of the Group of Friends, provide support for this endeavour. He added that, should no progress occur before April 2015, the time would have come to engage the members of the Security Council in a review of the framework that it had provided for the negotiating process in April 2007 (ibid., para. 94).

30. Having considered the report of the Secretary-General on the situation concerning Western Sahara, the Security Council adopted resolution 2152 (2014). In the resolution, the Council called upon the parties to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, taking into account the efforts made since 2006 and subsequent developments, with a view to achieving a just, lasting, and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter. The Council also noted the role and responsibilities of the parties in that respect.

V. Conclusion

31. **The right of self-determination is enshrined in article 1 of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. During the reporting period, the human rights treaty bodies, the Human Rights Council, including special procedures mandate holders, and the Security Council have continued to address issues related to the realization of that right.**

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Implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II) and strengthening of the United Nations Human Settlements Programme (UN-Habitat)

Coordinated implementation of the Habitat Agenda

Note by the Secretary-General

The Secretary-General hereby transmits the report on the coordinated implementation of the Habitat Agenda (E/2014/64)** to the General Assembly for consideration at its sixty-ninth session under item 20 of the provisional agenda, pursuant to Economic and Social Council resolution 2014/30.

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